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ORIGINAL

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES



Department of Land Management Conference Room ITC Building, Tamuning



Thursday, March 9, 2017 1:45 p.m. to 3:35 p.m.

GUAM LAND USE COMMISSION Regular Meeting

Thursday, March 9, 2017

Department of Land Management Conference Room 3rd Floor ITC Building, Tamuning

MEMBERS PRESENT:

Mr. Victor Cruz, Vice Chairman

Ms. Conchita Bathan, Commissioner

Mr. Tae S. Oh, Commissioner

Mr. Hardy T.I. Vy, Commissioner

Mr. Michael Borja, Executive Secretary

Ms. Kristan Finney, Legal Counsel

PLANNING STAFF PRESENT:

Mr. Marvin Aguilar, Guam Chief Planner

Mr. Frank Taitano, Case Planner

Mr. Penmer Gulac, Case Planner

Ms. Cristina Gutierrez, Recording Secretary

GUAM LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION Attendance Sheet

Department of Land Management Conference Room 590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

Date of Meeting:	Thursday, March 9, 2017	1:45 pm X GLUC	GSPC
Time of Meeting:	GLUC: 1:4594 GSPC:	Regular Special Quorum No-Quorum	Regular Special Quorum No-Quorum
COMMISSION MEN	MBERS	SIGNATURE	
Chairman John Z.	Arroyo	Excused	
Vice Chairman Vic	tor F. Cruz	6/1	
Commissioner Cor	nchita D. Bathan	_ tale	
Commissioner Tae	S. Oh		
Commissioner Har	dy T.I. Vy	HA	
STAFF			
Michael J.B. Borja,	Executive Secretary	MBy-	
Kristan Finney, Le	gal Counsel	the box	
Marvin Q. Aguilar,	Chief Planner	1	-
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Penmer Gulac, Pla	nner IV	16	
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GUAM LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION

Public Attendance Record

Location: Department of Land Management Conference Room 590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

Date:

Thursday, March 9, 2017

Regular

X

GLUC

GSPC	Special Time: 1:45 pm	_	
Quorum	No Quorum Adjournment: 😅 : उद्धान		
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Neil Fanz			
MAN EVANGELISTA	Calvo's Entreprise	687.4349	
Raymond Saturnio	Calw Enterprises, Inc.	08. 1971	
TERRY DEBUD	CALVO'S ENTERSKYS ING	727-4014	
Legnardy Calw	Colores Entrym Inc.	6872072	
KAN BENETS	Celd String	988 (011)	
Jetula Sahai	Mangilao Gol (all.	(2)	
Tara Otaki	Glimpses Publications	480-4570	
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GUAM LAND USE COMMISSION GUAM SEASHORE PROTECTION COMMISSION

Speaker's Sign-In Record

Location: Department of Land Management Conference Room 590 S. Marine Corps Drive, Third Floor, ITC Building, Tamuning

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GUAM LAND USE COMMISSION

Chairman John Z. Arroyo Vice Chairman Victor F. Cruz Commissioner Conchita D. Bathan

Commissioner Tae S. Oh Commissioner Hardy T.I. Vy

Michael J.B. Borja, Executive Secretary Kristan Finney, Assistant Attorney General

AGENDA

Regular Meeting Thursday, March 9, 2017 at 1:30 p.m.

Department of Land Management Conference Room 590 S. Marine Corps Drive, 3rd Floor, ITC Building, Tamuning [As advertised in the Guam Daily Post on March 2, 2017 and March 7, 2017

- I. Notation of Attendance
- [] Quorum

[] No Quorum

- II. Approval of Minutes
 - GLUC Regular Meeting of Thursday, February 23, 2017
- III. Old or Unfinished Business

Tentative Development Plan

A. The Applicant, Chin I. Huang represented by Ignacio F. Santos, request for a Tentative Development Plan to construct a three-story, eight multi-family dwelling units, with an office and display area, on Lot 5142-1-4NEW-R3, in an "H" (Hotel/Resort) zone, in the Municipality of Tamuning, under Application No. 2016-02. [Continuation – GLUC hearing, October 27, 2016]

Case Planner: Penmer Gulac

IV. New Business

Conditional Use

- B. The Applicant, Calvo Ent., Inc. represented by Ignacio F. Santos; request for a Conditional Use permit for the proposed use of an existing structure as a mini storage facility, on Lot Nos. 5109-2-1 and 5019-2-R1, in a "C" (Commercial) zone, in the Municipality of Tamuning, under Application No. 2016-50. Case Planner: Frank Taitano
- C. The Applicant, Onward Mangilao Golf Club (formerly Mangilao Golf Course) represented by W.B. Flores & Associates; request for a conditional use permit to amend its Master Plan to allow parceling of a portion of Lot 5292-3-3-22 (golf course site) and to allow for potential future development of residential dwellings, in an "A" (Agricultural) zone, in the Municipality of Mangilao, under Application No. 2015-06.

Case Planner: Frank Taitano

Zone Change

- D. The Applicants, Estate of Vicente Palomo Castro and Joseph M. Palomo (Administrator) represented by Harry D. Gutierrez; request for a Zone Change from "A" (Rural) to "M-1" (Light Industrial) zone, for the proposed development of warehouse, office space, Veterinary Clinic, boarding facility and other permitted uses within an M-1 zone, on Lot 5328-REM, in the Municipality of Mangilao, under Application No. 2016-44. Case Planner: Penmer Gulac
- V. Administrative & Miscellaneous Matters
- VI. Adjournment

GUAM LAND USE COMMISSION REGULAR MEETING MINUTES

Department of Land Management Conference Room, 3rd Floor ITC Bldg., Tamuning Thursday, March 9, 2017 • 1:45 p.m. to 3:35 p.m.

I. Attendance

Acting Chairman Cruz called the regular meeting of the Guam Land Use Commission for Thursday, March 9, 2017 to order at 1:45 p.m., noting a quorum.

Present were: Vice Chairman Victor Cruz, Commissioner Conchita Bathan, Commissioner Tae Oh, Commissioner Hardy Vy, Executive Secretary Michael Borja, Legal Counsel Kristan Finney, Chief Planner Marvin Aguilar, Planning Staff Frank Taitano, Penmer Gulac and Recording Secretary Cristina Gutierrez.

Excused: Chairman John Arroyo

II. Approval of Minutes

Acting Chairman Cruz next item on the agenda is the approval of the February 23, 2017 meeting minutes. Commissioners have had a chance to review; are there any comments. [None noted]

<u>Commissioner Bathan</u> Mr. Vice Chair, I would like to make a motion to approve the GLUC regular meeting minutes of February 23, 2017, subject to minor edits that will be submitted to the Recording Secretary before close of business today.

Acting Chairman Cruz there is a motion on the floor. Do I have a second?

Commissioner Oh second.

Acting Chairman Cruz all those in favor say "aye" [Vice Chairman Cruz, Commissioners Bathan, Oh and Hardy], all opposed say "nay."

[Motion passed; 4 ayes, 0 nay]

III. Old or Unfinished Business

Tentative Development Plan

A. The Applicant, Chin I. Huang represented by Ignacio F. Santos; request for a Tentative Development Plan to construct a three-story, eight multi-family dwelling units with an office and display area, on Lot 5142-1-4NEW-R3, in an "H" (Hotel/Resort) zone, in the Municipality of Tamuning, Application No. 2016-02. [Continuation – GLUC meeting of October 27, 2016]. Case Planner: Penmer Gulac <u>Penmer Gulac (Case Planner)</u> reads the supplemental staff report to include purpose, facts, previous Commission action, recommendation and conditions. [For full content/context, please refer to attached supplemental report]

[Attachment A - Supplemental Staff Report dated March 7, 2017]

Acting Chairman Cruz noted for the record, receipt of a revised site plan and landscaping plan submitted by Consultant Mr. Ignacio Santos dated March 8, 2017. [For full content/context, please see attached exhibit.]

[Exhibit 1 - Revised Site and Landscaping Plan, dated March 8, 2017]

Ignacio Santos (representing Chin I. Huang) at a previous GLUC meeting, Mr. Santos explained that he had requested for the application to be tabled for the purpose of cleaning up the site plan. First was to revise the access to the parking located in the rear of the building. The left side is 11-feet and right side is 12-feet. The engineer of the design met with Highway Division at Public Works, and they said that the plan was good. A request to sign off on the plan was made; however, DPW stated that because it was not an actual plan for construction they were unable to put a stamp of approval. Mr. Santos added that when he had gone back to Highway Division to further discuss the matter, the staff of Highways had resigned and only a secretary was available.

In order to verify whether or not the access road was wide enough, Mr. Santos stated that he had measured the right-hand (furthest lane) on Marine Corps Drive to see how wide the lane was. From the lane markers to the edge of the asphalt it measured 9-feet, 8-inches. He added that this would be where most of the solid-waste trucks are travelling to make turns to pick up trash.

Landscaping – Mr. Santos pointed out that along the whole strip of that area there was not much landscaping other than what is in front of the road, and that was due to the soil which is basically coral, and that can be seen on the cutting of the cliff line. In order to landscape the property, material (soil) would have to be brought in in order for trees to grow. To keep with the landscaping plan all along San Vitores Road, Mr. Santos explained that Foxtail palms would be planted at rear and right side of the property. [This concluded Mr. Santos' presentation]

Acting Chairman Cruz commented in the previous meeting, the Commission's concern was actually the ingress/egress and not so much on San Vitores, but within the building. In the original drawing, if you are facing San Vitores Road, the building on the left side was basically up to the property line.

Ignacio Santos the reason why you see a ramp on one side (and found this out after the previous meeting), the designer/owner was going to put another level of parking in the rear and advised them that would not work and told them to clean up and give it an access to the rear.

Acting Chairman Cruz any questions.

<u>Commissioner Bathan</u> what is the width of the road that is going out to San Vitores Road? [Mr. Santos responds "11-feet and it is a one way."] I know it is one-way, but would trash trucks be able to get in and out without any problem.

Ignacio Santos reiterated that the lane that they drive on is only 9-feet, 8-inches.

<u>Commissioner Oh</u> I was just trying to recall what was discussed. I remember that last time the original plan was to have this area be ingress/egress. And from my recollection I believe on this side was to enclose a fence on this side. Am I correct?

<u>Ignacio Santos</u> actually it was the access because it was only showing one going in on the right side going to the back, and I recommended that we clear the left side and just make it going out the other way.

<u>Commissioner Oh</u> correct; because from my recollection this was supposed to be ingress and egress and access to the back side was supposed to be on this side and no access on this side (referring to the map shown on the monitor).

Ignacio Santos that is correct.

<u>Commissioner Oh</u> you went ahead and changed it so that the ingress would be on this side and the egress would be on this side. [Mr. Santos responds "yes."] My other question is, and I think this was something that was discussed prior was, from my understanding, the topography here... this is the Takagi Building. This is sloping here and there is a ramp here.

Ignacio Santos what they are going to do is actually cut it and put a retaining wall in.

<u>Commissioner Oh</u> so, the current developer is willing to put a retaining wall on this side. My next question would be what would be the elevation of this in the rear. Would it be level with the ground, same as the front? [Mr. Santos responds "same as the front, actually it is all leveled."] Alright.

Acting Chairman Cruz any other questions?

Michael Borja (Executive Secretary) you need to check the parking stall count, I think you are off by one. You stated there is a total of 31, but I only counted 30. The front park counts 12 and I believe there is only 11.

Ignacio Santos we lost a parking on the left corner because of the access going out.

<u>Commissioner Oh</u> and on my own recollection, on the left side of the rear (in this area right here – referring to the site plan). I think the original drawing did call out a generator or trash bin area... prior drawing.

Ignacio Santos I am looking at the prior drawing and I don't see a generator there.

<u>Commissioner Oh</u> I am just trying to recall if there was anything planned for that area. [Mr. Santos responds "no."]

Commissioner Bathan are your parking stalls standard or compact?

Ignacio Santos whatever it is it has to be compliant to the Zoning Law. This has gone through the government review and no comments and/or concerns noted on the size of the parking stalls or to that extent. The length is 19-feet and I don't see a dimension on the width. I believe that it should be 8-feet.

Acting Chairman Cruz I did remember in the last meeting that we were concerned that the original drawing versus the drawing that you submitted. Are you telling me that they are...first of all, did you cut the building in size or move it?

Ignacio Santos no, we did not move the building.

Acting Chairman Cruz okay, so let me ask you. The ramp that goes up in your first drawing shows that it is encroaching into your client's property. What are they going to do with that?

Ignacio Santos no; this is something I found out again afterwards. The existing ramp from the neighboring lot; what they were going to do was to extend it to their building which was adding another 11-foot so it could go back and add another level of parking. I didn't find that out until after the hearing, and based on that I had them remove that because it would not work and had them clean up the 11-feet setback on that side to be used as an egress for the parking at the rear.

Acting Chairman Cruz so to confirm what you are telling me, what you are telling this body is that the ramp does not encroach into the other property.

Ignacio Santos I am not so sure, but it could be where the ramp on the slope that goes downward that could actually be encroaching. So, to make that work is they are going to cut it and put a retaining wall so it keeps the ramp safe.

Acting Chairman Cruz in other words, you are going to put a retaining wall between the two lots.

Ignacio Santos yes, right on the property line.

Michael Borja you will reduce the width of the road if you put a wall.

Ignacio Santos that is the other side; we are just keeping it on our side.

Commissioner Oh do you know the width of the ramp.

Ignacio Santos I have no idea.

[Discussion ensues on the ramp and the retaining wall.]

<u>Acting Chairman Cruz</u> this retaining wall, from the rear part you are going to start with the height of the ramp. Going toward the front so you are telling me, I am asking you, is this retaining wall going to be a bit higher than the ramp to prevent the cars coming from that side to run in crashing into your property?

Ignacio Santos safety rails will have to be installed, you just keep it open.

Acting Chairman Cruz last time we met that was one of the major concerns.

Ignacio Santos I think the concern we had was the access because it was only showing one access to the rear of the lot and this was the reason why I had asked to table the application. At the ARC meeting, no one raised any concerns with regards to this.

<u>Commissioner Oh</u> just a thought nothing of real concern. I see the parking configuration at the rear. I am assuming that these two parking right here (refers to the drawing) are in this configuration mainly because of the ingress, correct?

Ignacio Santos I would think so.

Acting Chairman Cruz staff, any comments.

<u>Penmer Gulac</u> I would just like to point out two things. First, as far as parking they have met all the parking requirements. And the second is, in order to traverse to through the 12-foot access to the rear for sanitation solid waste trucks, they can request for a smaller truck to pick up the trash.

Commissioner Oh intention is to have commercial on the first floor?

<u>Ignacio Santos</u> the owner has a shop which is two buildings down, a small gift shop and instead of leasing the space they will just relocate to the proposed building.

Acting Chairman Cruz if there are no other questions, we will open the floor to public comments.

[Public Comments - none noted, public comment period was closed]

Acting Chairman Cruz what is the pleasure of the Board.

<u>Commissioner Oh</u> Mr. Chair, I would like to move to approve the applicant Chin I. Huang represented by Ignacio F. Santos; a request for a Tentative Development Plan to construct a three-story, 8 multi-family dwelling units with office and display area on Lot 5142-1-4NEW-R3, in an "H" zone, in the municipality of Tamuning, Application 2016-02; with the following conditions:

- a. Prior to the issuance of an occupancy permit, the applicant shall submit to the Guam Chief Planner for approval a landscaping plan, and that the landscaping plan project be at least two percent (2%) of the construction cost to be certified by a registered architect or engineer;
- b. Pursuant to Section 4(e) of the interim "H" Hotel/Resort rules and regulations, a performance bond in the amount of 110% of the infrastructure cost of the project and not less than \$2,000 is required and a copy is shall be submitted to the Guam Chief Planner, Department of Land Management; and,
- c. Pursuant to Section 4(f) of the interim "H" Hotel/Resort rules and regulations and based on consultation with applicant's representative, a period of two years will be an acceptable time period within which all improvements authorized in the tentative development plan shall be completed.

Acting Chairman Cruz there is a motion on the floor. Do I hear a second.

Commissioner Bathan I second.

Acting Chairman Cruz any discussion? [None noted] All those in favor say "aye" [Vice Chairman Cruz, Commissioners Oh, Bathan and Vy], all opposed say "nay."

[Motion is passed unanimously; 4 ayes, 0 nay]

IV. New Business

Conditional Use

B. The Applicant, Calvo Ent., Inc. represented by Ignacio F. Santos; request for a Conditional Use permit for the proposed use of an existing structure as a mini storage facility, on Lots 5109-2-1 and 5019-2-R1, in a "C" (Commercial) zone, in the Municipality of Tamuning, Application No. 2016-50. Case Planner: Frank Taitano

<u>Frank Taitano</u> reads the staff report to include purpose, facts, public hearing results, letters of support, staff analysis/discussion, recommendation and conditions. [For full content/context, please see attached report.]

[Attachment B - Staff Report dated February 27, 2017]

Acting Chairman Cruz questions for staff.

Michael Borja I just want to point out that it is two different Mayors that supplied testimony for this application; Mayor of Dededo and Mayor of Tamuning.

Acting Chairman Cruz any other questions? [None noted] Please state your name for the record.

[Before the Commission was Mr. Leonard Calvo, Vice President of Calvo Enterprises and Consultant, Ignacio Santos]

Ignacio Santos we are not putting up anything other than the fact that we are making use of an existing building with all existing utilities. The only thing that is being added to the building is a 14,000 gallon water tank which is to be used for fire sprinklers. There will be a pump that will service this sprinkler system. We also added security fencing around the building because if you have a storage facility you have to be sure it is secured, and cleaning up the building.

Acting Chairman Cruz Commissioners, questions for the applicant.

Commissioner Oh it's currently vacant, I am assuming right.

<u>Leonard Calvo</u> it has been vacant since GPA moved out in 2015 when they opened up their new facility. In that period of time, we have been vandalized, burglarized many times. This is a good reuse for the building. The building will be secured with a security fence, high-tech security system and cameras, over fifty cameras throughout the facility, climate control, and self-storage; more for the homeowners and small business. The units are anywhere from 5x5 to 10x25 (the biggest). We anticipate mainly for homeowners to come in and store their accumulated stuff.

Acting Chairman Cruz your main ingress/egress is facing Route 16 (Mr. Calvo responds "yes."). Your operation is not going to be using the rear ...

<u>Leonard Calvo</u> we have an ingress/egress that has the capability; we have a gate that we can use and open up in case anybody wanted to come in from Hamburger Road or the old Agana/Yigo road. But, the main access would come through Route 16. If you wanted to bring a truck through the back you could do it. But, for the customers they would use the front access.

Acting Chairman Cruz how would people coming in with a big flatbed access the facility.

<u>Leonard Calvo</u> you can use the rear; but like I said, our target market is not going to be the big business with container storage. It is going to be household goods, small businesses that would come in with a pick-up truck or a smaller flatbed. We are not a warehouse...calling this an industrial use kind of fits in that category, but it is not really that but more of a retail business.

We are not looking to have 40-foot containers to our facility. It is designed more for pick-up trucks and vans; that type of customers.

Acting Chairman Cruz members, any other questions?

<u>Commissioner Oh</u> I think it is a great idea. It is going to clean up the area and improve the vicinity. I am pretty sure your neighbors are going to be happy about it especially with reports of vandalism and other illegal activities. I think it is a great idea to improve the surrounding area.

Michael Borja are you going to be fencing the entire bottom floor parking?

Leonard Calvo yes; our business office is under the ramp, the old GPA office, and you can access that without going through the fence. But, once you become a regular customer you will have to come through an access control fence and punch in your code and then to exit the samething. The facility is secured behind the fence, but there will be a sales office that will be accessible.

Acting Chairman Cruz any other questions?

Marvin Aquilar I just want to note that there is a substantial amount of number of parking on the property. The parking is more than enough. There is a tendency for these types of storage facilities to be converted into different uses. But, I think that in this case it is going to be so secure that it wouldn't be used, for example, as an office.

Leonard Calvo our rules that we drafted, you cannot use it as an office or bring customers in there. There are no outlets in the storage units. What we will have is a conference room and a couple work stations in our office for our customers to use. Suppose you brought in Avon or Nerium or something, you can do a sales presentation in our conference room if you are a customer and not within the storage space. It is in a separate office. And as far as expansion, we will look at that later. We are doing a very low density storage based on the square footage that we could add. If we did, it would probably be some type of modular storage unit that we put in the parking stalls. And we also want to rent spaces for vehicles, secured storage for vehicles. If it goes well then we will look at expanding.

<u>Commissioner Oh</u> just for clarification. I know there are some call-outs for catch basins, and I know you mentioned that you are not doing any type of major infrastructure work. This is the old drawings right? What do you foresee in terms of actual renovation and upgrade to the existing structure.

Leonard Calvo yes, old drawings. We did not add any square footage. It is a one and a half million dollars' worth of renovations which are all internal. Mainly partitions, painting, roof coating. The systems are modular and you just them together. They are not a high heavy gage system that you buy for like a pre-engineered metal building.

Acting Chairman Cruz if there are not additional questions, let's open the floor for public comments.

[Public Comment - seeing none Acting Chairman Cruz closed the public comment period.]

Acting Chairman Cruz what is the pleasure of the Commission.

<u>Commissioner Bathan</u> Mr. Chair, I would like to make a motion to approve the request for conditional use to convert an existing commercial building into a mini storage facility on Lots 5109-2-1 and 5019-2-R1, in the municipality of Tamuning, subject to the ARC conditions and requirement as stipulated in the official position statements.

Commissioner Oh second.

Acting Chairman Cruz motion by Commissioner Bathan, second by Commissioner Oh. Any discussion? [None noted] All in favor of the motion say "aye" [Acting Chair Cruz, Commissioners Bathan, Oh and Vy], all opposed say "nay."

[Motion to approved passed unanimously; 4 ayes, 0 nay]

Ignacio Santos added that the lots noted have already been consolidated and recorded.

<u>Michael Borja</u> could you provide the Chief Planner with the new lot number for the Notice of Action.

Acting Chairman Cruz next item on the agenda -

Conditional Use

C. The Applicant, Onward Mangilao Golf Club (formerly Mangilao Golf Course) represented by W.B. Flores & Associates; request for a Conditional Use permit to amend its Master Plan to allow parceling of a portion of Lot 5292-3-3-22 (golf course site), and to allow for the potential future development of residential dwellings, in an "A" (Agricultural) zone, in the Municipality of Mangilao, Application No. 2015-06. Case Planner: Frank Taitano

<u>Frank Taitano</u> reads staff report to include, facts, purpose, public hearing results, staff analysis/discussion, recommendation and conditions. [For full content/context, please see attached report.]

[Attachment C - Staff Report dated February 27, 2017]

<u>Acting Chairman Cruz</u> questions for staff. [None noted] Please state your name for the record.

<u>William Flores</u> (of W.B. Flores & Associates) we are representing Onward Mangilao Golf Course in this regard; and with me is Mr. Jetan Sahni who is the Comptroller for Onward Resorts here on Guam; all three properties, the hotel, Talofofo Golf Course and Mangilao Golf Course. We would like to take this moment to thank you for allowing us to appear before the Commission. We have a small presentation to make so that our intentions will be very clear for this project. [Mr. Flores continues with his Power Point presentation]

- Aerial view of the property from the southeast of the existing golf course. Mr. Flores pointed out that the orange building on the property is the clubhouse. Pointed out the main property, the center sliver and at the bottom right of the property will be the third parcel and also a call-out for the conservation area.
- > This slide showed the aerial view of the golf course. Mr. Flores pointed out that the light green segments are the major lots, and where they were located on the golf course. He added that it was not feasible for the right most portion of the lot to be developed reason being that it is a very steep cliff.
- Density slide density being proposed by the golf course is way under the maximum number allowed by the Zoning Law.
- Aerial photo two dark spots on the photo show the conservation areas that were set aside in the approved PUD; nothing can be developed in these areas. Mr. Flores pointed out that the 1000-steps goes right through the conservation area. He further explains that the odd shaped lot, the trapezoid shaped parcel is the major aspect of the amended proposed master plan. The white building is the existing maintenance building, and the road to the right of this building is a service road and is the approximate alignment to the road to the proposed housing area.
- The next slide shows an enlargement of the main parcels located between Holes 9 and 18; the proposed improvements are in between the golf course. From Hole 9 (on top) you will not be able to see these houses. The purpose is not to introduce high density, high visual impact units, but to engage in units that are compatible to golf course use. Mr. Flores added that the Mangilao Golf Course was in the top 100 as one of the best international golf courses and the owners would like to maintain this.
- > This slide showed the proposed layout of the houses; the top row of houses are on the top of the cliff and the second row of houses in where the 1000-steps is located. Mr. Flores added that the area to the right is a more severe terrain and the one to the left are in a nice gentle sloping terrain.
- > This slide showed the proposed area from the west of the golf course.

<u>Willie Flores</u> the purpose of this is originally (for some reason) this was during the big Japanese global economy days when everything was based on membership, and they felt that

they did not need an alternate source of additional income to keep the golf course going. The Mangilao Golf Course before it was purchased by Onward was actually a membership based business moto, and obviously that type of business moto does not work. And for some reason they put it very explicitly in the PUD that there would be no housing on the golf course. And so we are here to request the Commission to consider amending the PUD to delete that statement because we would like at some point to put some houses on the golf course.

<u>Jetan Sahni</u> there is no plans at this time, but just as a possibility in the long-term future that we are looking at. There is no additional work, but just to amend the master plan.

<u>Willie Flores</u> if you are inviting investors or business partners to join your golf course and then you say we would like to look at perhaps putting some nice homes on the golf course as part of our financial model, and they say, well are you allowed to do this, and the answer right now would be no, and that is why we are here today. Thank you for allowing us the time and we are open for any questions.

<u>Commissioner Bathan</u> will you do your own development or are you planning to subdivide the lots and sell individually later.

<u>Jetan Sahni</u> there no plans at this time. Mr. Sahni explained that the parent company would like to have it available as an option. It is just a request at this time.

Acting Chairman Cruz basically what you want to do is parcel those lots out of the master plan.

Willie Flores yes, and to amend the PUD to allow for housing.

<u>Acting Chairman Cruz</u> when you parcel this you will parcel in big tracts rather than how you are showing it per lot. When the time comes and you are going to develop you will come back before this Commission.

Willie Flores that is correct; we will be before the Commission.

Acting Chairman Cruz any questions for the applicant.

<u>Commissioner Vy</u> have safeguards on golf balls been considered for the houses if this development goes through.

<u>Willie Flores</u> responded that the houses from Hole 18 will have a setback of about 50-feet; but, I am sure that when the houses are designed it will be taken into account the errant golf balls.

Acting Chairman Cruz will the homes be open to the public or exclusive.

<u>Jetan Sahni</u> we have no idea or intention at this point in time to say whether it will be open for public sale, one investor or multiple investors. We have not even explored the subdivision phase. We have only identified the lots for possible future development of houses.

Acting Chairman Cruz the original presentation of this golf course was for a private/exclusive membership only.

<u>Jetan Sahni</u> that was back in 1992 when the original owners owned it. Since Onward purchased it in 2006; Onward Beach Resorts is the parent company for the Onward Mangilao Golf Club, and they are a publicly traded company in Japan and the Chairman has requested to add this to the master plan if it is feasible. We did a feasibility study to see if there is land that could be used for that purpose without disturbing the aesthetics of the golf course itself.

<u>Michael Borja</u> do you have any plans on doing any kind of land preparations, grounds preparation such as clearing of the jungle or excavating the land for possible use?

<u>Jetan Sahni</u> not at this point in time, but I'm sure probably somewhere down the line that might come up.

Michael Borja you have designated several areas as conservation areas. If there was a zoning allowance for conservation easement (like you are calling these things to be) or conservation zones; and they gave you a property tax benefit, would you subscribe to converting those parcels of property into a conservation easement? It would still be privately held but you have to maintain it as a conservation (like you are now) not to build anything on there. Would you give that a consideration?

[Lengthy discussion ensues on conservation easements. Mr. Borja adds that adjacent to the property, Chamorro Land Trust property north of the subject property is about a 35-acre parcel that has been dedicated as a conservation easement for the purpose of medicinal medicines. There is also a possibility of extending these types of conservation easements along the whole cliff-line area.]

<u>Willie Flores</u> I would also like to assure the Chair because this has been a big issue with us too previously; but, since Onward has taken over the golf course it has become very wide open for the residents that live on Guam. It is a different philosophy from then the previous ownership.

Acting Chairman Cruz I am glad that you brought that up because prior to you guys, that's why I am asking you some of these questions. It's not a good reputation before, locals can't go and all that. I applaud you for coming up with plans to diversify your program.

Any other questions?

<u>Commissioner Oh</u> other than the initial developer not having any plans to do any type of housing development on the original plans, was there any other reasons as to why a housing area was never considered.

<u>Willie Flores</u> in the beginning of the project we had asked FC Benavente to join us because they did the original PUD application. He (Felix) explained to me that they were doing membership financing and that their business moto was private membership and that was it and they did not need anything else.

<u>Commissioner Oh</u> it was just a business moto decision no other reason why. [Mr. Flores reiterated that it was a business moto decision as far as he knew]. If in case these lots are subdivided, what type of sewer are you proposing?

<u>Willie Flores</u> we do know that EPA is right around the corner with saying no more septic tanks, and so we have anticipated that and we keep in close contact with EPA. So, the sewer as mentioned at the public hearing will be self-contained secondary treatment sewer. This is the only sewer that will meet the requirements, and GWA does not have sewer service in the area. These are sewage packages which are about the size of this room or a bit bigger and it goes through clarifying and settling and then it goes through disinfectant ultra-violet treatment. And when it comes out it is supposedly safe to drink.

[Discussion ensues on the sewer issue, the elimination of septic tanks for subdivisions, and self-contained secondary treatment sewer.]

Acting Chairman Cruz any other questions?

<u>Marvin Aguilar</u> I wanted to remind the Commission that this is an administrative action over the previously approved conditional use to allow for housing as part of the overall uses.

Acting Chairman Cruz if there are no other comments, we will open for public comment.

<u>Public Comment</u> [Seeing none, Acting Chairman Cruz closed the public comment period.]

Acting Chairman Cruz what is the pleasure of the Commission.

<u>Commissioner Oh</u> Mr. Chair, I move to approve the request for conditional use of the applicant, Onward Mangilao Golf Club represented by W.B. Flores and Associates; request for conditional use permit to amend its master plan to allow parceling of a potion of Lot 5292-3-3-22 and to allow for potential future development of residential dwellings, in an "A" zone, in the municipality of Mangilao, under Application No. 2015-06 with conditions that the applicant adheres to the ARC position statement conditions and the permitting agencies' requirements.

Acting Chairman Cruz there is a motion on the floor. Do I hear a second?

Commissioner Bathan second.

Acting Chairman Cruz seconded by Commissioner Bathan. All in favor of the motion say "aye" [Acting Chair Cruz, Commissioners Oh, Bathan and Vy], all opposed say "nay."

[Motion passed unanimously; 4 ayes, 0 nay]

Acting Chairman Cruz next item on the agenda -

Zone Change

D. The Applicants, Estate of Vicente Palomo Castro and Joseph M. Palomo (Administrator) represented by Harry D. Gutierrez; request for a Zone Change from "A" (Rural) to "M-1" (Light Industrial) zone, for the proposed development of warehouses, office space, Veterinary Clinic, boarding facility and other permitted uses within an "M-1" zone, on Lot 5238-REM, in the Municipality of Mangilao, under Application No. 2016-44. Case Planner: Penmer Gulac

Marvin Aguilar summarizes the staff report to include purpose, facts, public hearing results, staff analysis/discussion, and recommendation. [For full content/context, see attached report]

[Attachment D - Staff Report dated March 4, 2017]

Acting Chairman Cruz any questions of staff?

<u>Commissioner Oh</u> so, we have not received a resolution from the Mayor's Council, but they did attend the public hearing and the Mayor supports the project.

<u>Penmer Gulac</u> yes the Mayor was in attendance and fully supports the project. There was only one landowner that attended, that showed up and he is in support of the project.

Michael Borja who is the owner of this land? The Estate of Vicente Palomo Castro?

Penmer Gulac yes sir.

<u>Michael Borja</u> and it is one lot divided by Route 15, into two parts. [Mr. Gulac responds "yes."] And both sides want to be rezoned to "M-1"?

Harry Gutierrez when the property was turned over to the estate, they tried to divide it but there was too many people within the estate to have any decent subdivision that would allow each family to have their own lot. So, the Court ruled that they would have to put the parcel up for sale and all the heirs agreed to sell the property. They had several buyers and the only one that came forward was Wise Owl. He made an offer and the Court accepted with a condition that he

will wait until the zone is changed to an "M-1." He wants to put up his clinic there, house all the animals in that area and build a couple of homes and that's about it.

<u>Michael Borja</u> build a couple of homes? In an M-1? [Mr. Gulac replies that it is permitted.] Does an animal hospital require an M-1 zoning?

Marvin Aguilar no sir.

<u>Michael Boria</u> so that is the whole thing about Wise Owl's contribution to this report. I was wondering what his whole play was in this whole thing. He is a potential buyer that wants to move his clinic to this area, and it's for hospital, warehouse, offices and homes.

Marvin Aguilar we took the perspective of the land uses in surrounding area.

[Lengthy discussion ensues on location of the subject property in relation to the location of the new GPA/GWA offices and surrounding lots and its zoning.]

Acting Chairman Cruz questions for staff? [None noted]

<u>Harry Gutierrez</u> Mr. Aguilar said everything I wanted to say, and I will leave it up to the Commission.

Acting Chairman Cruz the original owner of the lot was?

Harry Gutierrez Castro-Mendiola estate; there are three different owners.

Acting Chairman Cruz so, how many original owners are there?

<u>Harry Gutierrez</u> there is only one, but it is divided among twelve families and there is about one hundred-thirty family members. There was no way to subdivide the property and so the Court ordered that they give it to a real estate company to put it up for sale and find the best buyer.

Acting Chairman Cruz but, it hasn't been sold yet? Is the sale conditioned on the zone?

Harry Gutierrez on the zone.

Acting Chairman Cruz that property seems to be like an M-1/M-2 zoning.

<u>Harry Gutierrez</u> further up I've zoned about six lots to M-1.

Acting Chairman Cruz what is the zoning for the GPA/GWA building?

<u>Marvin Aguilar</u> it's zoned agricultural. It was built by law; they asserted in the law to build the facility. The use is permitted by the Legislature.

Acting Chairman Cruz any other questions?

Michael Boria which side of the highway is the animal clinic going to be.

Harry Gutierrez from my understanding it will be on the right side.

Michael Borja is there sewer?

Harry Gutierrez sewer is located at the top of the hill, about a thousand feet away.

Marvin Aguilar there is a church on the southern side of Route 15. That is the extent of the sewer.

Michael Borja the lot below the highway is where the intent to put the animal clinic?

Marvin Aguilar yes, and you are actually sloping right here (referring to the map) and the slope ends right here.

Michael Borja and the animal clinic is down in that lower part and there is no sewer?

Marvin Aquilar yes and there is no sewer.

Penmer Gulac animal waste will be pumped out.

Harry Gutierrez this issue was already discussed with Guam Waterworks.

Acting Chairman Cruz if there is nothing further, I will open for the public comment.

<u>Public Comment</u> [Seeing none, public comment period was closed]

Acting Chairman Cruz what is the pleasure of the Commission.

Commissioner Bathan Mr. Chair, I would like to recommend to approve the request for zone change from "A" to "M-1" zone for the proposed development of warehouse/office space, veterinary clinic, boarding facilities and other permitted uses in an "M-1" zone, on Lot 5328-REM, in the municipality of Mangilao, under Application No. 2016-44; subject to the recommendations of the ARC as noted on their official position statements.

Commissioner Oh second.

Acting Chairman Cruz motion by Commissioner Bathan, seconded by Commissioner Oh. All those in favor say "aye" [Acting Chair Cruz, Commissioners Bathan, Oh and Vy], all opposed say "nay."

[Motion passed unanimously; 4 ayes, 0 nay]

V. <u>Administrative & Miscellaneous Matters</u>

Acting Chairman Cruz anything on the table for administrative/miscellaneous matters? [Chief Planner Aguilar responds "none."]

<u>Michael Borja</u> this will be Kristan Finney's last meeting with us. We thank her very much forher time with us and Nicholas Toft should be with us for the next meeting.

[Other administrative matters discussed included the next GLUC hearing date and it was noted that Commissioner Oh will not be available for this meeting. Mr. Borja reminded the Commissioners that the Disclosure Statement required by the Guam Election Commission is due no later than April 21, 2017.]

Acting Chairman Cruz next item on the agenda -

VI. Adjournment

Commissioner Bathan made a motion to adjourn, seconded by Commissioner Oh; with all in favor.

The regular meeting of the Guam Land Use Commission for Thursday, March 9, 2017 was adjourned at 3:35 p.m.

Approved by:

Victor F. Cruz, Acting Chairman Guam Land Use Commission

Date approved: 4 · 13 · 2017

Transcribed by:

M. Cristina Gutierrez, Pro Tem Planning Division, DLM Street Address: 590 S. Marine Corps Drive

Suite 733 ITC Building

Tamuning, GU 96913

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Telephone: 671-649-LAND (5263)

Facsimile: 671-649-5383



ATTACHMENT A

DIPÅTTAMENTON MINANEHAN TÄNO' (Department of Land Management) GUBETNAMENTON GUÄHAN (Government of Guam)



MICHAEL J.B.

Director

DAVID V.

Deputy Director

EDDIE BAZA. CALVO BORJA Governor

RAY TENORIO CAMACHO Lieutenant Governor

March 7, 2017

MEMORANDUM

To:

Chairman, Guam Land Use Commission

From:

Guam Chief Planner

Subject:

Supplemental Staff Report – Tentative Development Plan in an "H"

(Hotel-Resort) - Application No. 2016-02; Continuation of GLUC

Meeting of October 27, 2016

PURPOSE:

- a. Application Summary: The applicant, Chin I. Huang represented by Mr. Ignacio Santos, is requesting approval of a Tentative Development Plan in an "H" (Hotel-Resort) zone in order to construct a 3-storey structure (mix use) with an office and display spaces on the first floor, Four (4) multifamily units on the second floor and Four (4) multi-family units on the third floor (Total of Eight (8) dwelling units) on Lot 5142-1-4NEW-R3, in the Municipality of Tamuning (Tumon).
- **b.** Legal Authority: Title 21, GCA, Chapter 60, Title 11, GCA, Division 3. Title 18 GAR, Chapter 3, Article 3, Section 3312.

2. FACTS:

- a. Location: The subject lot is located along Pale San Vitores Road in Tumon nearly directly across from the Pacific Islands Club Hotel Resort and abuts the cliff line at the rear. Adjacent to the subject lot on both sides are 3-storey office/retail buildings of similar design to the proposed development. Access into the subject lot is directly off of Pale San Vitores Road.
- b. Lot Area: 0.49+/- Acres or 1,998+/- Square meters; or 21,506 Square Feet
- c. **Present Zoning:** "H" (Resort-Hotel) Zone via Public Law 14-41, as amended by Public Laws 14-72 and 14-82; Chapter 61, Zoning Law, 21 GCA, Article 3 Use Regulations and Territorial Planning Procedures Commission (TPC) Interim "H" (Resort-Hotel) Rules and Regulations, Procedures for Development within an "H" Zone.

RE: Supplemental Staff Report - Application No. 2016-02 Tentative Development Lot 5142-1-4NEW-R3, Tumon, Municipality of Tamuning Page 2 of 2

d. Previous Commission Actions(s):

On October 27, 2016, the applicant, Chin I. Huang, Represented by Ignacio Santos, presented their application before the the Guam Land Use Commission (GLUC) for a Tentative Development Plan in an "H" (Hotel-Resort) zone to construct a 3-storey structure (mix use) with an office and display spaces on the first floor, Four (4) multi-family units on the second floor and Four (4) multi-family units on the third floor (Total of Eight (8) dwelling units) on Lot 5142-1-4NEW-R3, in the Municipality of Tamuning (Tumon).

A motion requesting the Applicant to provide information from Department of Public Works (DPW) right of ways/permits sections to address the issue on the narrow access to and from the rear of the proposed 3-storey, based on the proposed site development plan. The Commission by rule allowed for the application to be carried over for the next meeting upon submission of information by the applicant/representative.

As of date of this report, no additional information was received. The applicant's representative requests to provide further explanation on development intentions and to remediate or redress an acceptable course of action to be presented to the commission.

Case Planner:

PCG

Attachments:

ARC Memo to GLUC Member

IGNACIO F. SANTOS

Land-Use Planner P.O. Box 651 Hagåtña, Guam 96932

Suite 201, Guam United Plaza, Hagătña, Tel: (671) 646-0629 Cell: (671) 777-3862 email: ifsplanner77@gmail.com

March 8, 2017

Mr. Mike Borja

Executive Secretary
Guam Land Use Commission
c/o Planning Division
Department of Land Management
Government of Guam
P.O. Box 2950
Hagatna, Guam 96932

Dear Mr. Borja

Pursuant to discussions held on October 27 2016 at the Guam Land Use Commission Hearing on a Tentative Development Application for Chin I. Huang, on Lot No. 5142-1-4NEW-R3 located within the Municipal District of Tumon/Tamuning containing a land area of 1,988 square meters or 21,506 square feet and is within an H" (Hotel Resort) zone.

T. GLOU CELVED Dury Dur

Based on the discussions and request I have attached with this letter a revised site plan showing an additional access road servicing the parking area located at the rear of the building and a landscaping plan as requested.

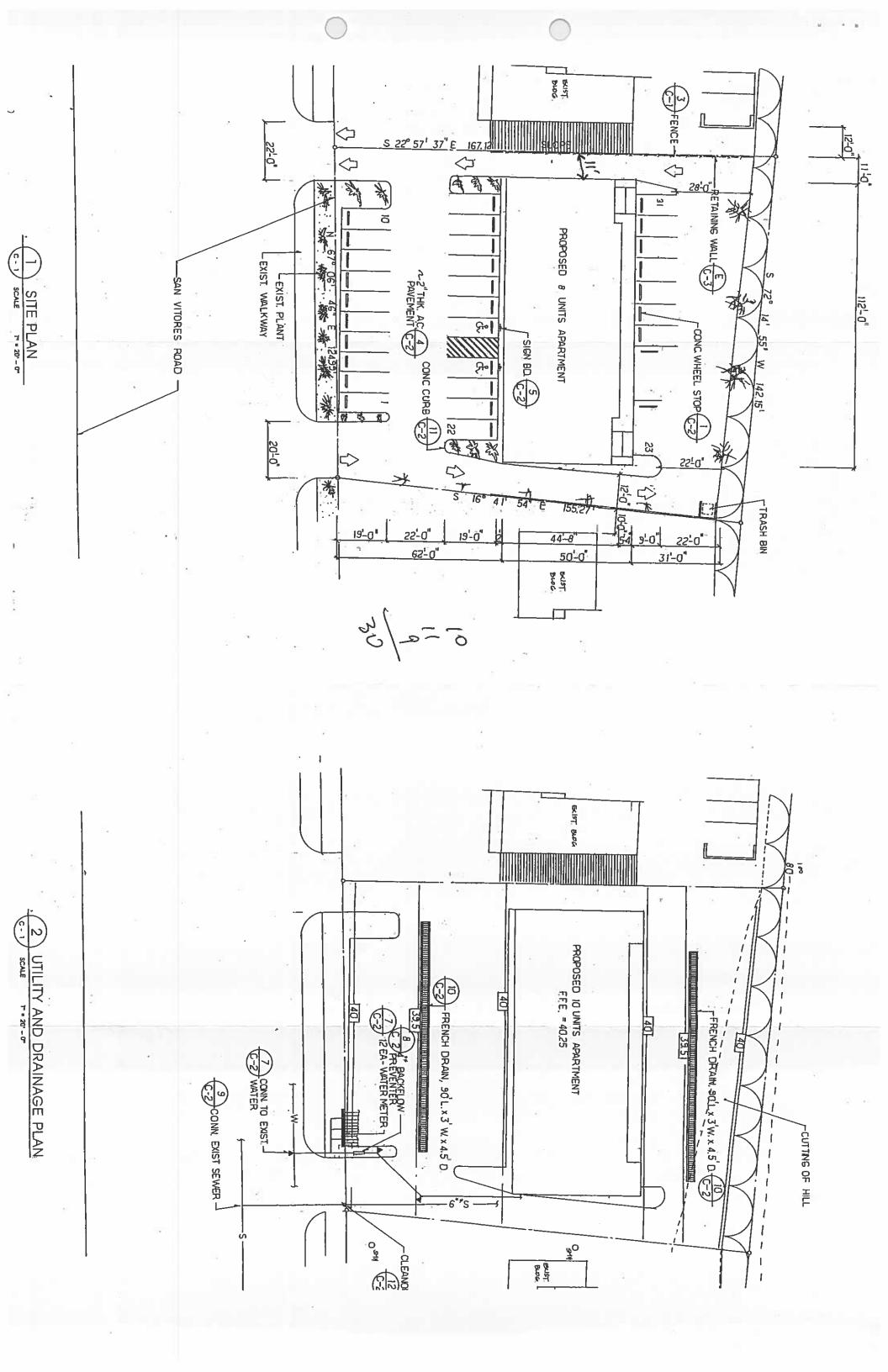
The new access road measures eleven feet wide, which is sufficient to allow for service trucks. A measurement on the outer lane of Marine Corp. Drive in Tamuning measures nine feet eight inches from the lane marker to the edge of the asphalt pavement. A lane frequently used by solid waste trucks.

Furthermore, a request by one of the Commission member required that we submit a landscaping plan. Based on existing landscaping along the strip where the project is located. The landscaped areas are located in the front along San Vitores Street and at the rear of the buildings located against the toe of the cliff. The landscaping for the proposed project will be located in the front and rear of the building and along the right side yard.

I request your attention on the enclosures and look forward on presenting this application before the commissioners of the Guam Land Use Commission.

Si Yuus Maase,

IGNACIO F. SANTOS Principal in Charge



ATTACHMENT B



DIPÅTTAMENTON MINANEHAN TÅNO' (Department of Land Management) GUBETNAMENTON GUÅHAN (Government of Guam)



MICHAEL J. B. BORJA

DAVID V. CAMACHO Deputy Director

Street Address:
590 S. Marine Corps Drive
Suite 733 ITC Building

RAY TENORIO Lieutenant Governor

20000

February 27, 2017

MEMORANDUM

To:

Chairman, Guam Land Use Commission

From:

Guam Chief Planner

Subject:

Staff Report - Application No. 2016-50

1. PURPOSE:

- a. Application Summary: The Applicant, Calvo Enterprises, Inc. represented by Ignacio F. Santos, request for a Conditional Use approval to convert an existing commercial building into a Mini Storage Facility, on Lot 5019-2-1 & Lot 5019-2-R1 in the Municipality of Tamuning.
- b. Legal Authority: Section 61303 (Conditional Use) of Chapter 61 (Zoning Law), Title 21, GCA (Real Property)

2. FACTS:

- a. Location: The subject site is located along Route 16 next to the McDonald Fast Food Restaurant.
- **b.** Lot Area: 6,677 ± Square Meters or 71,871 ± Square Feet.
- c. Present Zoning: "C" (Commercial) Zone
- **d. Field Description:** The site is presently occupied by a two story commercial building with an attached parking structure.
- e. Masterplan: Commercial

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E-mail Address: dlmdir@dlm.guam.gov

Telephone: 671-649-LAND (5263)





Continuation of Memorandum
RE: Staff Report - Application No. 2016-50
Conditional Use - Lots 5019-2-1 & 5019-2-R1
Municipality of Tamuning
February 27, 2017
Page 2 of 5

f. Community Design Plan: Commercial

g. Previous Commission Action: None

3. APPLICATION CHRONOLOGICAL FACTS:

a. Date Application Accepted: September 28, 2016

b. Date Heard By ARC: October 20, 2016

c. Public Hearing Results: January 31, 2017 (See Attachment "A")

In response to the application, letters of support were received from:

Mr. Joe C. Ayuyu, President of McDonald's of Guam (See Attachment "B") and; Mayor of Dededo, Ms. Melissa B. Savares (See Attachment "C") and; Joseph I. Cruz, Chief of Police (See Attachment "D")

4. **DISCUSSION and STAFF ANALYSIS:**

As presented in the application, the applicant's request is for a Conditional Use approval to convert an existing commercial building into a Mini Storage Facility, on Lot 5019-2-1 & Lot 5019-2-R1 in the Harmon area along Route 16. The property is zoned "C" (Commercial) with an existing two story commercial structure and an attached two level parking structure, formerly occupied by the Guam Power Authority.

The proposed Mini Storage Facility is a conditional use in a "C" (Commercial) Zone and as specified by Section 61303 of the Zoning Code, is a specific use permitted upon approval by the Commission of the site plan, including but not limited to, disposal of sewage, access, parking, structural location and dimensions of buildings, impact of the proposed use on adjacent land uses and accompanying covenants that may include performance standards.

The Commission shall also consider such other elements as may be reasonably related to the **health**, **safety** and **general welfare** of the community. With this in mind, we provide the following:

Continuation of Memorandum

RE: Staff Report - Application No. 2016-50

Conditional Use - Lots 5019-2-1 & 5019-2-R1

Municipality of Tamuning

February 27, 2017

Page 3 of 5

SITE PLAN

As shown on the included Harmon Self Storage construction drawings the site plan accommodates the existing two story, 49, 041 square feet commercial building, and attached two level, 29,343 square feet parking structure and maintaining the entrance/exit from Route No. 16 and the Old Dededo-Yigo Road located between McDonald's and the proposed Mini Storage Facility..

Each floor of the existing commercial building once converted will contain storage units, men's and women's restroom, a mechanical room, a Janitor closet, an elevator and stairways. The first floor of the commercial building contains a total of 91 storage units ranging in size from 5'X5' to 15'X20', the second floor contains a total of 158 storage units ranging in size from 5'X5' to 10'X10".

The two level parking structure contains a total of 144 parking stalls, the ground level accommodates 57 parking stalls, a $660 \pm \text{square}$ feet office, a 300 square pump room and a 14,000 gallon water tank. The top/roof level accommodates the remaining 87 parking stalls.

DISPOSAL OF SEWAGE

The complex is presently connected to the public sewer system and the applicant is consulting with GWA to activate service to the complex.

STRUCTURAL LOCATIONS and DIMENSIONS OF BUILDINGS

In reference to the structural locations, the existing commercial building and parking structure are located within the boundaries of Lots 5019-2-1 and 5019-2-R1 which are presently being consolidated to create a single lot.

The dimension of the two story, 49,041 square feet commercial building footprint, as estimated, is approximately 135' X 200' and the dimension of the two level, 29,343, parking structure footprint, as estimated, is approximately 222' X132'

The existing structures are at less than 3 story or thirty (30) feet in height with minimum setbacks on the side, rear and front yards, well within the height requirement (no more than 3-storey and at 30'-0" height limitation) and setback criteria for a commercial corner lot at zero for the front, side and rear yards.

Continuation of Memorandum
RE: Staff Report - Application No. 2016-50
Conditional Use - Lots 5019-2-1 & 5019-2-R1
Municipality of Tamuning
February 27, 2017
Page 4 of 5

ACCESS

As proposed, the existing access to and from the complex from Route 16 and the Old Dededo-Yigo Road are to be retained.

PARKING

The total number of parking stalls provided within the parking structure is 144 stalls (57 stalls on the ground level and 87 on the top/roof level). The required number of public parking stalls for the proposed complex pursuant to Section 61531(e) of the Zoning Law is calculated by dividing the commercial structure size at 49,041 square feet, by 800 square feet for a total of 61 parking stalls for public or customer use. The remaining 83 parking stalls are to accommodate the required 5 ADA accessible stalls (1 stall being Van accessible) 7 bicycle stalls pursuant to Section 61531(n), appropriate loading/unloading stalls for the use of the public/customers and parking for the employees.

IMPACT OF PROPOSED USES ON ADJACENT LANDS INCLUDING HEALTH, SAFETY and GENERAL WELFARE FACTORS

As noted on the letters of support from the President of McDonalds, an adjacent business establishment that is frequent by the general public, including in the evening hours, the Mayor of Dededo and the Guam Police Chief, were they all noted that the existing commercial building in its vacant state is a magnet for activities that are adversely negative to the area and they support the proposed Mini Storage Facility and the applicant's efforts to include modern and high-tech security amenities and personal as a deterrent to any adversely negative activity which, will be greatly beneficial to the surrounding business establishments.

In regards to water, sewer and power demand impact, presently the facility is connected to the public sewer, water and power systems and GPA in its position statement submits an infrastructure certification that the government service facilities and infrastructure are currently available and in place and are adequate to support this project.

In regards to traffic, the facility provides more than twice the number of parking stalls required for the facility, maintains the existing entrance/exit access from Route 16 and the Old Dededo-Yigo and the applicant maintains, that the traffic to and from the proposed Mini-Storage facility will be minimal compare to the previous use of the commercial structure.

Continuation of Memorandum

RE: Staff Report - Application No. 2016-50

Conditional Use - Lots 5019-2-1 & 5019-2-R1

Municipality of Tamuning

February 27, 2017

Page 5 of 5

In regards to on-site storm water, the existing complex is serviced by an existing on-site storm water retention system to address on-site storm water runoff and will be maintained for the proposed mini storage facility.

ACCOMPANYING COVENANTS THAT MAY INCLUDE PERFORMANCE STANDARDS

Although not included, as part of the application package we find that normal contracts between landlord and tenants will provide a set of rules that addresses security and safety practices, including other factors such as personnel access and exit procedures, and personal/social code of conduct and similar rules that will apply to other individuals not considered a tenant.

Based on our review and analysis of this application, in reference to the Zoning Law, as well as the positive outcome in support during the public hearing and lastly, the positive response received from ARC Agencies. We have concluded that the proposed use is compatible with the existing uses in the proximity of the proposed facility and along Route 16 and that the applicant has been and will continue to consult with the various Government entities to ensure compliance with their requirements.

Therefore, it is our findings that this requested Conditional Use is in line with the requirements of Section 61303 of the Zoning Code and, find it proper that it be considered favorably by the Guam Land Use Commission.

5. **RECOMMENDATION:** We recommend **Approval with Conditions** as follows:

A. That the applicant, adhere to the ARC conditions and requirements as stipulated on their official Position Statement: and.

am Chief Planner

Attachments: 1. ARC Position Statement Summary 2. ("A") Public Hearing Results

3. ("B") Letter from Mr. Joe C. Ayuyu, President of McDonald's of Guam

4. ("C") Letter from Ms.Melissa B. Savares, Mayor of Dededo

5. ("D") Letter From Mr. Joseph I. Cruz, Chief of Police

Case Planner:

F. Taitano

Minutes of Public Hearing

Application No. 2016-50, Conditional Use Lot 5019-2-1 & 5019-2-R1, Municipality of Tamuning

On January 31, 2011- 6:05 P.M. a public hearing was conducted at the Tamuning Community Center, present were the applicant's representatives, Mr. Ignacio Santos, Mr. Leonard Calvo, Mr. Alan Evangelista, Mr. Raymond Saturnio, Mr. Terry Debold, the Mayor, Ms. Louise C. Rivera and no public attendees.

Case Planner called the meeting to order, introduced himself, the applicant's representative, the application being presented and handed the floor to the representative to present the application.

Mr. Ignacio Santos presented the Conditional Use being requested, the history and location of the existing facility.

Mr. Leonard Calvo commented on the business decision to convert the building into a mini storage facility, the status of the building being vacant and subjected to vandalism, theft, and other unlawful activities, based on their conversation with other neighboring businesses, they are excited on the proposal for it will come with a 24/7 state of the art security/surveillance system and appropriate lighting to deter the ongoing illegal activities in the area. Both Mr. Leonard Calvo and Terry Debold then added that the proposed facility will also enhance their historical efforts in providing emergency storage assistance to those in the community who are in need but could not afford it.

The Mayor, in response, commented that she has received supporting comments from people whom she discussed this project with and asked, does the conditional use expires should the property be sold in the future?

Mr. Leonard Calvo responded that the Conditional Use is applied to the property and not the owner, and that, they have no plans to sell the property.

After no further discussion, the meeting was adjourned at 6:35 P.M.

Case Planner



Joe C. Ayuyu
President
JCA Guam, LLC. dba
McDonald's of Guam

January 25, 2017

Mr. Michael J.B. Borja
Director & Executive Secretary
Guam Land Use Commission
c/o Planning Division
Department of Land Management
Government of Guam
ITC Building
590 S. Marine Corps Drive
Tamuning, Guam 96913

RECEIVED

3 JAN 3 1 2017

Department of Land Management
Time 2:07 Int

RE: CONDITONAL USE - LOT NOS. 5019-2-1 and 5019-2-R1, Municipality of Dededo

Dear Mr. Borja:

I have reviewed the plan and request for a Conditional Use on the above subject lots. This property has been vacant since 2015 when the Guam Power Authority (GPA) moved their entire operation to their own facility.

This use is consistent with the surrounding area. I also feel this use, if granted, will provide a very nice, secure, and extremely beneficial presence in an area that has been plagued by numerous crimes within recent years. This facility, with its state of the art security and camera surveillance systems, will be a welcomed deterrent to criminals and vagrants in these general and surrounding areas.

I welcome this very modern and high-tech facility which will be an immense benefit to my establishment as well as other business owners in this community. In addition to the numerous advantages of having this very modern facility nearby, it is essential to note that this facility will have a very minimal impact on the existing infrastructure and traffic in the surrounding area.

As an owner and operator of an establishment adjacent to these lots, I wholeheartedly support the Conditional Use for this property.

Sincerely,

Joe C. Ayuyu



Melissa B. Savares
Mayor

Frank A. Benavente Vice Mayor

January 26, 2017

Mr. Michael J.B. Borja
Director & Executive Secretary
Guam Land Use Commission
Department of Land Management
ITC Building
590 S. Marine Corps Drive
Tamuning, Guam 96913

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Frank Juffauge

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REF: CONDITIONAL USE - LOT NOS.5019-2-1 and 5019-2-R1, Municipality of Dededo

Dear Mr. Borja:

I am writing this letter in support of the Conditional Use for the above referenced lot numbers, which are and have been a primary property within one of the most frequented areas within the village of Dededo.

I have also reviewed the plans and feel that Conditional Use for this property will benefit our community as whole. Although this property was vacant since 2015, it was previously occupied by the Guam Power Authority (GPA) and prior to that, Payless Supermarkets, which were both regularly patronized by the Dededo community.

With the current renovations to modify this building into a high-tech storage facility that will include a modern and state of the art security and surveillance system, I believe it will undoubtedly become very beneficial to our community by averting the ongoing unlawful activities and illegal behaviors that have plagued this area for many years. Additionally, I am convinced that this facility will have very little impact on our infrastructure or traffic.

I welcome this new facility and I unreservedly support the Conditional Use for this property.

Sincerely,

Dededo Mayor



GUAM POLICE DEPARTMENT

DIPÅTTAMENTON POLISIAN GUAHAN

Government of Guam



EDDIE BAZA CALVO Governor

RAY TENORIO Lieutenant Governor Bldg. 13-16A Mariner Avenue, Tiyan
Barrigada, Guam 96913
P.O. Box 23909 Barrigada, Guam 96921
671) 475-8473 (Switchboard); (671) 475-8508 / 8509

Telephone: (671) 475-8473 (Switchboard); (671) 475-8508 / 8509 / 8512

Fax: (671) 475-3222

JOSEPH 1. CRUZ Chief of Police

MARK C. CHARFAUROS. Colonel Police Commander

February 6, 2017

Mr. Michael J.B. Borja
Director and Executive Secretary
Guam Land Use Commission
c/o Planning Division
Department of Land Management
Government of Guam
ITC Building
590 S. Marine Corps Drive
Tamuning, Guam 96913

RE: Conditional Use – Lot number 5019-2-1 and 5019-2-R1, Dededo

Dear Mr. Borja:

Buenas yan Hafa Adai! The Guam Police Department (GPD) submits this letter of support for the conditional use of the above-referenced lot.

The above-referenced property is commonly known as the former Guam Power Authority (GPA) Office along Route 16, Harmon. I am aware that this property has sat idle since January 2015. As the Chief of Police, it has been my experience and that of my officers that unoccupied and abandoned properties tend to create issues which draw law enforcement attention. Such properties attract crime, become a haven for the homeless, and a potential hideout for truants. During our recent search for a facility to lease for our evidence storage, several of my staff visited this building and noted evidence that homeless people appeared to have set up residence there. From 2015 to present GPD has responded to at least three (3) recorded calls for service to this address. One call involved a criminal complaint of graffiti to the building and the other two (2) calls were of disturbances at the location. Having the building refurbished and converted to a self-storage facility will ensure that it is no longer used by homeless and truants, thus reducing the need for police officers to respond to calls at this property.

Department of kand Management

Mr. Michael J.B. Borja, Director and Executive Secretary Guam Land Use Commission RE: Conditional Use – Lot Number 5019-2-1 and 5019-2-R1, Dededo February 6, 2017 Page 2 of 2

I therefore support the conditional use of this property and we look forward to positive benefit this facility adds to the community. Dangkulo na si Yu'os ma'ase!

Sincerely,

OSEPH V. CRUZ

JIC:SCI/scr

PUBLIC NOTICE

AN APPLICATION HAS BEEN FILED WITH THE GUAM LAND USE COMMISSION (GLUC) FOR A CONDITIONAL USE PERMIT: To utilize the existing building as a Mini Warehouse Facility

PROJECT NAME: Mini Storage

APPLICATION / REPRESENATIVE: Calvo Enterprises, Inc. c/o Ignacio F. Santos

PROJECT DESCRIPTION: Mini Storage Facility

LOT/BLOCK/TRACT: 5019-2-1 & 5019-2-R1

MUNICIPALITY: Tamuning

DATE

6:00 PM

1:30 PM

GLUC MEETING: 3-9-2017

PUBLIC HEARING: 1/31/2017

PLACE

Tamuning Senior Citizens Center

DLM Confrence Room, 3rd. Floor ITC Building

A AN A A



EDDIE BAZA CALVO

RAY TENORIO Lieutenant Governor

DIPÅTTAMENTON MINANEHAN TÅNO' (Department of Land Management) GUBETNAMENTON GUÅHAN (Government of Guam)



MICHAEL J. B. BORJA Director

DAVID V. CAMACHO Deputy Director

February 27, 2017

Memorandum

To:

Guam Land Use Commission (GLUC) Members

From:

Chairman, Application Review Committee (ARC)

Subject:

Summary of Positions Submitted by ARC

Re:

Application No. 2016-50 (Conditional Use)

Listed below is the compilation of Positions taken by the various ARC member agencies as submitted to Planning Division, Department of Land Management. The conditions as imposed by the ARC member agencies are listed when applicable.

DEPARTMENT OF LAND MANAGEMENT (DLM):

DLM recommends approval with conditions as follows;

A. That the applicant, adhere to the ARC conditions and requirements as stipulated on their official Position Statement; and,

GUAM ECONOMIC DEVELOPMENT & COMMERCE AUTHORITY (GEDCA): GEDCA has no objections.

GUAM POWER AUTHORITY (GPA):

GPA has reviewed the application and submits the following position statement:

- A. Comments and Recommendations Concerning GPA requirements:
 - 1. Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
 - a. Coordinate overhead/underground power requirements with GPA Engineering for new structures;
 - b. Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electric Code;

et Address: arine Corps Drive 33 ITC Building ing, GU 96913

ng Address: J. Box 2950 ña, GU 96932

Website:

ail Address:

ephone: 3-LAND (5263)

acsimile:



Memo to GLUC Members Ref: ARC Position Statements - Application No. 2016-50 February 27, 2017 Page 2 of 5

- c. Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements;
- d. Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection;
- e. Provide scheduling and magnitude of project power demand requirements for new loads;
- f. All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials;
- 2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations;
- 3. A system impact assessment may be required to determine the effect of this facility of GPA's existing power facilities;
- 4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades

B. General Comments:

GPA has no objection to the request subject to the conditions cited above

BUREAU OF STATISTICS AND PLANS (BSP):

The Bureau has completed its review of the subject application and provides the following comments and recommendations.

Land Use. The North and Central Guam Land Use Plan (NCGLUP) is approved as an element of the Guam Comprehensive Development Plan (GCDP). The subject property is identified as an "Industrial Zone" designation in the Future Land Use Map of the NCGLUP, as stated in Policy LU-1 (g) Industrial:

"Industrial lands are those lands designated for a variety of industrial uses and agricultural, commercial, and non-residential uses compatible with industrial uses. Typical uses include manufacturing and processing, wholesaling, large storage and transportation facilities, light industrial and industrial-commercial uses. The industrial area also includes the Guam International Airport, which serves as the international transportation hub for both passenger and freight service....Residential development is limited to uses such as caretaker facilities and accessory dwelling units."

The Bureau finds that the proposed project is consistent with the NCGLUP's Future Land Use Map designations.

Aquifer Protection. The applicant's property is located above the Northern Guam Lens Aquifer (NGLA). The NGLA is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population.

Memo to GLUC Members
Ref: ARC Position Statements - Application No. 2016-50
February 27, 2017
Page 3 of 5

Moreover, the U.S. Environmental Protection Agency has designated the NGLA as Guam's sole source aquifer. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply. The primary goal for protecting the aquifer is to safeguard human health and the environment by maintaining water quality for continued use.

The Bureau recommends the applicant to consult with the Guam Environmental Protection Agency (EPA) to comply with aquifer protection pursuant to the Federal Safe Drinking Water Act § 1424 and "Guam Safe Drinking Water Act," 10 GCA Chapter 53 and water resource conservation pursuant to the Water Pollution Control Act.

Stormwater Management. Managing stormwater is a key element in the protection of Guam's vital water resource. Surface runoff carries pollutants into Guam waters causing siltation and increasing sediment loads, which impairs receiving waters. Studies show that impervious surfaces directly correlate to increased runoff volumes as well as waterway velocities, erosion, and flooding. The application indicates that stormwater generated on the project site will be captured through an existing catchment facility.

The Bureau advises the applicant to consult with Guam EPA in employing best management practices to control runoff from the property, which may include enhancement of the building's existing stormwater catchment system.

Low Impact Development (LID) Practices. The project site lies within the Mataguac Spring-Frontal Pacific Ocean Watershed. According to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP), impervious surfaces in this area have increased by 5.17% between the years 2005 to 2011. As surface area increases so does flooding and degradation of water quality.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features while minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

Considering the growing concerns of flooding due to increased impervious surface, the applicant is encouraged to reduce impervious surfaces and implement LID practices such as permeable parking and walkways, grassed swales, island bioretentions, green roofs, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property. An electronic file of the Island Stormwater Practice Design Specifications is available on the Bureau's website at www.bsp3.guam.gov under the Guam Coastal Management Program.

Memo to GLUC Members Ref: ARC Position Statements - Application No. 2016-50 February 27, 2017 Page 4 of 5

In light of the points presented above, the Bureau finds that surface runoff can adversely affect Guam's sole source aquifer and surrounding neighbors if best management practices are not in place to manage stormwater on site. At the same time, we also find that the proposed activity is consistent with the North and Central Guam Land Use Plan. The Bureau has no objection to the project. However, if this application is approved, the Bureau recommends that the applicant comply with the above listed recommendations and established laws.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect public health, safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner.

DEPARTMENT OF PARKS AND RECREATION (DPR):

DPR has reviewed the subject application by Calvo Enterprise, Inc., applicant for conditional use of Lot 5019-2-1 & 5019-2-R1 for a Mini Storage Facility and have no objection. Therefore, has no objection to the approval of this Conditional Use Application.

DEPARTMENT OF PUBLIC WORKS DPW):

The Department of Public Works (DPW) has completed its review of the subject application and has no objection to the request. DPW recommends approval, subject to the comments reviewed by the Application Review Committee (ARC) with conditions that the building permit application must have a complete set of design drawings to incorporate all the necessary engineering disciplines needed that must be in conformance with the latest building code edition including the ADA requirements.

GUAM WATERWORKS AUTHORITY (GWA):

This memorandum shall serve as GWA's position statement to the above conditional use permit request related to availability of water and sewer infrastructures to serve the above subject lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development including fire flow without on-site or off-site improvements. Any extension of the water and sewer systems andlor capacity upgrades required to serve property shall be subject to the rules and regulations of GWA. Any required extension to the existing facilities to serve the subject properties shall be at expense of the applicant.

Given the information provided in the application and field observations, the following comments are conditions for GWA's position in favor of the approval of this conditional use application:

Memo to GLUC Members Ref: ARC Position Statements - Application No. 2016-50 February 27, 2017 Page 5 of 5

- 1. Applicant must install a backflow preventer after the meter. Backflow preventers are required for industrial/agricultural activities.
- 2. If the facility will be expanded the applicant must:
 - a. Provide GWA Engineering Department with the proposed water demand and sewer production calculations for the facility on subject lot in order to determine if water and sewer can be accommodated.
 - b. Provide a property map illustrating the existing point of water and sewer connections in order to identify specific water and sewer lines that will be affected.
- 3. Expansion of existing facilities may be subject to water and/or sewer system development charges (SDC).

This GWA Position Statement shall remain valid for 365 calendar days from the date of this response.

DEPARTMENT OF AGRICULTURE (DoAg):

Has not submitted Position Statement as of Staff Report date.

GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):

Has not submitted Position Statement as of Staff Report date.

GUAM FIRE DEPARTMENT (GFD):

Has not submitted Position Statement as of Staff Report date.

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPH&SS):

Has not submitted Position Statement as of Staff Report date.

GUAM PUBLIC SCHOOL SYSTEM (GPSS):

Has not submitted Position Statement as of Staff Report date.

DEPARTMENT OF CHAMORRO AFFAIRS (DoCA):

Has not submitted Position Statement as of Staff Report date.

Marvin Q. Aguilar Guam Chief Planner

Attachments: ARC Position statements CC: Executive Secretary, GLUC



GUAM WATERWORKS AUTHORITY

Gloria B. Nelson Public Service Building 688 Route 15, Mangilao, Guam 96913

WB2/27 FFR ? 7 2017

MEMORANDUM

February 21, 2017

TO:

Director, Department of Land Management

FROM:

Miguel C. Bordallo, P.E., General Manager

SUBJECT:

Position Statement on Conditional Use Application No. 2016-

50 on Lots 5019-2-1 & 5019-2-R1, in the Municipality of

Tamuning

APPLICANT(S):

Calvo Enterprise, Inc.

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a conditional use permit to convert an existing structure for use as a mini storage facility on Lots 5019-2-1 & 5019-2-R1, in the Municipality of Tamuning in a "C" (Commercial) zone.

This memorandum shall serve as GWA's position statement to the above conditional use permit request related to availability of water and sewer infrastructures to serve the above subject lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development including fire flow without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve property shall be subject to the rules and regulations of GWA. Any required extension to the existing facilities to serve the subject properties shall be at expense of the applicant.

Given the information provided in the application and field observations, the following comments are conditions for GWA's position in favor of the approval of this conditional use application:

Cal 3/27

Page 2
GWA Position Statement
ARC Application No. 2016-50
Applicant(s): Calvo Enterprise, Inc.

- 1. Applicant must install a backflow preventer after the meter. Backflow preventers are required for industrial/agricultural activities.
- 2. If the facility will be expanded the applicant must:
 - a. Provide GWA Engineering Department with the proposed water demand and sewer production calculations for the facility on subject lot in order to determine if water and sewer can be accommodated.
 - b. Provide a property map illustrating the existing point of water and sewer connections in order to identify specific water and sewer lines that will be affected.
- 3. Expansion of existing facilities may be subject to water and/or sewer system development charges (SDC).

This GWA Position Statement shall remain valid for 365 calendar days from the date of this response. Please contact GWA Engineering Division regarding water and sewer system improvement design and construction standards and procedures. For additional information please contact Mauryn McDonald, P.E., Permits and New Area Development Supervisor, at 300-6054.





GLENN LEON GUERRERO
Director
FELIX C. BENAVENTE
Deputy Director

December 20, 2016

MEMORANDUM

TO:

Director, Department of Land Management

FROM:

Director

APPLICATION:

2016-50

APPLICANT:

Calvo Enterprises Inc.

SUBJECT:

Conditional Use in a Commercial Zone Area on Lots 5019-2-1 and 5019-2-R1,

Tamuning

Buenas yan Hafa Adai!

The above applicant, is requesting a conditional use approval to convert the use of an existing two story building into a mini storage facility on both floors in a "C" zone area. The ingress/ egress to the property is along Route 16. The on-site improvement for the existing properties consists of perimeter fencing cons truction of a storage bays and small office area, restrooms for both female and male on both floors. A 26 wide concrete driveway entrance for two parking levels area will be located along the front area of the building along Route 16. The lot contains a combine area of 10,144 square meters or 109,189 square feet and is currently zoned commercial.

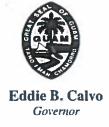
The Department of Public Works (DPW) has completed its review of the subject application and has no objection to the request. DPW recommends approval, subject to the comments reviewed by the Application Review Committee (ARC) with conditions that the building permit application must have a complete set of design drawings to incorporate all the necessary engineering disciplines needed that must be in conformance with the latest building code edition including the ADA requirements.

If you have any questions, please call John F. Calanayan, Acting Engineer in Charge or Maryrose M. Wilson, Engineer III in the Division of Capital Improvement Projects (CIP) at 646-3189/3224.

Dangkulu na Si Yu'os Ma'ase!

GLENN LEON GUERRERO

C



Department of Parks and Recreation Government of Guam

490 Chalan Palasyo, Agana Heights, Guam 96910 Director's Office: (671) 475-6296/7; Fax (671) 477-0997 Parks Division: (671) 475-6288/9

Guam Historic Resources Division: (671) 475-6294/5 Facsimile: (671) 477-2822



Robert S. Lizama

Director

William N. Reyes
Deputy Director

In reply refer to: RC 2017-0009

Ray Tenorio

Lt. Governor

October 26, 2016

Memorandum

To:

Executive Secretary, Guam Land Use Commission

From:

Director, Department of Parks and Recreation

Subject:

Application No. 2016-50: Application for Conditional Use of Lot 5019-2-1 & 5019-

2-R1, Tamuning, Guam

We reviewed the subject application by Calvo Enterprise, Inc. for applicant for conditional use of Lot 5019-2-1 & 5019-2-R1 for a Mini Storage Facility and have no objection. Therefore, we have no objection to the approval of this Conditional Use Application.

Should you have any questions, please do not hesitate to call us.

Sincerely,

Robert S. Lizama

Director

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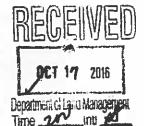


GUAM POWER AUTHORITY

ATURIDÅT ILEKTRESEDÅT GUAHAN P.O.BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

October 13, 2016

MB19/17



MEMORANDUM

To:

Chairman, Guam Land Use Commission

Executive Secretary, Guam Land Use Commission

From:

General Manager (A)

Subject:

Lots 5019-2-1 & 5019-2-R1, Municipality of Tamuning, (Calvo Enterprises, Inc.);

Conditional Use Application to convert existing building into a Mini Storage Facility.

Application No. 2016-50

Guam Power Authority has reviewed the application described above and submits the following position statement:

A. Comments and Recommendations Concerning GPA requirements:

- 1. Customer is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
 - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
 - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
 - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
 - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
 - Provide scheduling and magnitude of project power demand requirements for new loads.
 - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant
 including but not limited to labor and materials.
- 2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
- A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.
- 4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

B. General Comments

GPA has no objection to the request subject to the conditions cited above.

MELINDA C. MAFNAS, P.E

ASG/arp

93 10/19

INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: Guam Power Applicant: Calvo Enterprises, Inc. Location: Lots 5019-2-1 & 5019-2- Type of Application: Conditional of GLUC/GSPC Application No. 2016 Brief Project Description: To convert existing building into a least convert of the convert of	-R1, Tamuning Use 6-50			
For the purposes of this Certificatio INFRASTRUCTURE include, but a and facilities; sewer and liquid wa lines and facilities; schools; health traffic and street lights; parks and	are not limited to: pov aste disposal; storm a facilities; police and	ver lines poles a water disposal; : d fire fighting se	nd facilities; water solid waste disposa	l; telephone
 I hereby certify that the rec INFRASTRUCTURE are Yes 	currently AVAILAB			project:
2. If the answer to #1 above i I hereby certify that the red INFRASTRUCTURE are	quired GOVERNMEN			
Yes 🛛	No			
3. If the required GOVERNM place are NOT AVAILAB services, facilities and infrare currently available and	SLE or they are AVA astructure that are need	ILABLE, BUT Indeed, the estimate	NOT ADEQUATE, ed cost thereof and v	itemize the whether funds
Services, Facilities and Infrastructure Needed	Cost of Upgrades	Funds Available	Date Available	Funds Identified
Please see comments below		Available		Identified
	1			
I hereby certify that the foregoing is	s true and correct to th	ne best of my kno	wledge.	
a sulidebooks		10.	14-16	
MELINDA C. MAFNAS, P.E. General Manager (A)		Annual Control of the	Date	
Comments:				

Based on a preliminary inspection of the site, the electrical facilities <u>may</u> require upgrading to meet the demand of the proposed project. A system impact assessment maybe required to determine the effect of this facility on GPA's existing power distribution system. The applicant will be responsible for the cost of

ASG/arp

any required system upgrade.

90 E S

9. 1. ...

Eddie Baza Calvo Governor of Guam



Ray Tenorio Lieutenant Governor

Government of Guam P.O. Box 2950 Hagatña, Guam 96932 Tel: (671) 472-4201/3 Fax: (671) 477-1812



William M. Castro Director Manuel Q. Cruz Deputy Director

DEC 1 5 2016

MEMORANDUM

To:

Chairman, Guam Land Use Planning

Via:

Executive Secretary, Department of Land Management

From:

Director, Bureau of Statistics and Plans

Subject:

APPLICATION NO. 2016-50; **LOCATION**: Lot No. 5019-2-1 & 5019-2-R-1, Tamuning; APPLICANT: Calvo Enterprises, Inc.; PROPOSED USE: Conditional Use Application for Use of Existing Structure as a Mini

Storage Facility

Håfa Adai! The applicant, Calvo Enterprises, Inc. represented by Ignacio Santos, request for conditional use permit for use of an existing building as a mini storage facility on Lot 5019-2-1 and 5019-2-R1 in in the municipality of Tamuning. On-site improvement to the property comprises perimeter fencing, construction of storage bays and a small office area to accommodate the proposed use.

The proposed storage facility will be situated in the former Guam Power Authority office, a two-story building fronting Route 16 and adjacent to McDonalds in Harmon. The property is zoned "C" commercial and measures 109,190 square feet, approximately a quarter of an acre. Surrounding land uses are primarily commercial and industrial developments.

The Bureau has completed its review of the subject application and provides the following comments and recommendations.

Land Use. The North and Central Guam Land Use Plan (NCGLUP) is approved as an element of the Guam Comprehensive Development Plan (GCDP). The subject property is identified as an "Industrial Zone" designation in the Future Land Use Map of the NCGLUP, as stated in Policy LU-1 (g) Industrial:

"Industrial lands are those lands designated for a variety of industrial uses and agricultural, commercial, and non-residential uses compatible with industrial uses. Typical uses include manufacturing and processing, wholesaling, large storage and



BSP Position Statement ARC 2016-50 Page 2 of 3

transportation facilities, light industrial and industrial-commercial uses. The industrial area also includes the Guam International Airport, which serves as the international transportation hub for both passenger and freight service....Residential development is limited to uses such as caretaker facilities and accessory dwelling units."

The Bureau finds that the proposed project is consistent with the NCGLUP's Future Land Use Map designations.

Aquifer Protection. The applicant's property is located above the Northern Guam Lens Aquifer (NGLA). The NGLA is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA as Guam's sole source aquifer. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply. The primary goal for protecting the aquifer is to safeguard human health and the environment by maintaining water quality for continued use.

The Bureau recommends the applicant to consult with the Guam Environmental Protection Agency (EPA) to comply with aquifer protection pursuant to the Federal Safe Drinking Water Act § 1424 and "Guam Safe Drinking Water Act," 10 GCA Chapter 53 and water resource conservation pursuant to the Water Pollution Control Act.

Stormwater Management. Managing stormwater is a key element in the protection of Guam's vital water resource. Surface runoff carries pollutants into Guam waters causing siltation and increasing sediment loads, which impairs receiving waters. Studies show that impervious surfaces directly correlate to increased runoff volumes as well as waterway velocities, erosion, and flooding. The application indicates that stormwater generated on the project site will be captured through an existing catchment facility.

The Bureau advises the applicant to consult with Guam EPA in employing best management practices to control runoff from the property, which may include enhancement of the building's existing stormwater catchment system.

Low Impact Development (LID) Practices. The project site lies within the Mataguac Spring-Frontal Pacific Ocean Watershed. According to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP), impervious surfaces in this area have increased by 5.17% between the years 2005 to 2011. As surface area increases so does flooding and degradation of water quality.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features while minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

BSP Position Statement ARC 2016-50 Page 3 of 3

Considering the growing concerns of flooding due to increased impervious surface, the applicant is encouraged to reduce impervious surfaces and implement LID practices such as permeable parking and walkways, grassed swales, island bio-retentions, green roofs, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property. An electronic file of the Island Stormwater Practice Design Specifications is available on the Bureau's website at www.bsp3.guam.gov under the Guam Coastal Management Program.

In light of the points presented above, the Bureau finds that surface runoff can adversely affect Guam's sole source aquifer and surrounding neighbors if best management practices are not in place to manage stormwater on site. At the same time, we also find that the proposed activity is consistent with the North and Central Guam Land Use Plan. The Bureau has no objection to the project. However, if this application is approved, the Bureau recommends that the applicant comply with the above listed recommendations and established laws.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect public health, safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner. Si Yu'os Ma'ase'.

WILLIAM M. CASTRO

cc: GEPA GWA DPW DPR



LOUISE C. RIVERA Cliqur KENNETH C. SANTOS Cfivcliqur

Office of the Mayor

Municipality of Camuning-Cumon and Acamon
#120 Tun Jesus Crisostomo St. Tamuning, Guam 96913
P.O. Box 10513 Tamuning, Guam 96931
Telephone No.: (671) 646-5211/8646 Facsimile No.: (671) 646-5210
Email: teamtatuha2013@gmail.com



February 06, 2017

Mr. John Z. Arroyo, Chairman Guam Land Use Commission Department of Land Management Government of Guam P.O. Box 2950 Hagatna, Guam 96910

Hafa Adai Chairman Arroyo and Commissioners,

On Tuesday, January 31, 2017, I attended the public hearing for a Conditional Use application by Calvo Enterprises, Inc. requesting for Conditional Use to convert the previous use of an existing building into a Mini Storage Facility, on Lot 5019-2-1 & Lot 5019-2-R1 in the Municipality of Tamuning.

Then on February 02, 2017, at the regular monthly meeting of the Tamuning Municipal Planning Council we addressed the said application and have no objection to the approval of this application. We appreciate this opportunity to be involved in matters affecting the Tamuning, Tumon and Harmon areas. Should you have any questions, you may contact me at 480-4440.

Sincerely,

Louise C. Rivera

Mayor

RECEIVED

3 9 2017

Oz

Vin Gmil

Street Address: 590 S. Marine Corps Drive Suite 733 ITC Building Tamuning, GU 96913

> Mailing Address: P.O. Box 2950 Hagåtña, GU 96932

Website: http://dlm.guam.gov

E-mail Address: dlmdir@land.guam.gov

Telephone: 671-649-LAND (5263)

Facsimile: 671-649-5383



ATTACHMENT C

DIPÅTTAMENTON MINANEHAN TÅNO' (Department of Land Management) GUBETNAMENTON GUÅHAN (Government of Guam)



MICHAEL J. B. BORJA Director

DAVID V. CAMACHO Deputy Director

EDDIE BAZA. CALVO Governor

RAY TENORIO Lieutenant Governor

February 27, 2017

MEMORANDUM

To:

Chairman, Guam Land Use Commission

From:

Guam Chief Planner

Subject:

Staff Report - Application No. 2015-06

1. PURPOSE:

- a. Application Summary: The applicant, Onward Mangilao Golf Club, represented by W.B. Flores & Associates and Felix Benavente request for Approval to amend its existing Master Plan to allow the parceling of portions of the existing golf course site for future residential development on Lot 5292-3-3-22, Municipality of Mangilao.
- Legal Authority: Section 61303 (Conditional Use) of Chapter 61 (Zoning Law), Title 21, GCA (Real Property)

2. FACTS:

- **a. Location:** The subject site is located along the southeastern side of Route 15, northeast from the Hawaiian Rock Products complex.
- b. Lot Area: 1,228,762 ± Square Meters or 13,266,233 ± Square Feet.
- c. Present Zoning: "A" (Agricultural) Zone
- **d. Field Description:** The site presently accommodates a fully developed golf course with amenities, conservation areas and the undisturbed, limestone jungle areas proposed residential subdivisions sites.
- e. Masterplan: Undesignated
- f. Community Design Plan: Rural Residential/Conservation Open Space
- g. Previous Commission Action: March 31, 1988 (approval to construct an 18-hole golf course and amenities within an "A" (Agricultural) Zone.)

Continuation of Memorandum
RE: Staff Report - Application No. 2015-06
Conditional Use - Lot 5292-3-3-22
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3. APPLICATION CHRONOLOGICAL FACTS:

a. Date Application Accepted: January 4, 2016

b. Date Heard By ARC: February 4, 2016

c. Public Hearing Results: November 9, 2016 (See Attachment "A")

4. DISCUSSION and STAFF ANALYSIS:

As presented in the application, the applicant's request is to amend the approved Master Plan of the Onward Mangilao Golf Course (formerly Mangilao Golf Course) to allow the creation of three parcels of properties for future residential subdivisions within the golf course property providing golf course living for future homeowners and as a major component of the golf course's proposed future improvements, increase the value of the golf course. The proposed residential subdivisions are located on the southeastern portion of the basic lot. Access to and from the subdivisions is through an on-site 40 feet maintenance road connecting to an existing 50 feet service road along the eastern boundary of the basic lot directly accessing Route 15. Water and power are also to be connected to the existing service lines on Route 15.

In the proposed amendment, the total size of the three proposed parcels is 200,799 square meters and pursuant to Section 61501(c) of Title 21, GCA as Amended by Public Law 24-051;2 the combined maximum density without public sewer of the three parcels as established by GEPA is 112 residential lots, where the largest parcel at 81,385 square meters divided by 1,783.7 square meters has a density of 45.63 lots, the second largest parcel at 66,724 square meters divided by 1,783.7 square meters has a density of 37.41 lots and the last parcel at 52,690 square meters divided by 1,783.7 square meters has a density 29.54 lots.

The density of the proposed residential subdivisions would not exceed the maximum calculated density without public sewer and will be subject to the requirements of the permitting agencies to provide adequate land area on site to address storm water runoff, on site recreation, park and public service such as bus station and mail box site which will reduce the density of the proposed residential subdivisions. In addition, the existing conservation area within the largest parcel (81,385 S.M.) and other requirements to address the physical characteristic of the proposed parcels or the results of assessments of the parcels to determine historical, environmental and endangered flora and/or fauna will also affect the maximum density of the proposed residential subdivisions.

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In our review of the request, the uses of the surrounding properties and the applicable provisions of the zoning law, we find that, the predominant use in the surrounding private and Chamorro Land Trust properties is residential, that the use of the Agricultural ("A") zoned property for single family residential use is permitted pursuant to Section 61304 (a) of Chapter 61 (Zoning Law), Title 21 GCA and that, as noted on the application, planning staff agrees that the amendment request is the initial phase in the process to establish the proposed residential subdivisions and not an approval for any clearing (other than to accommodate the survey parceling work), grading or other construction work. We also agree that the next step in the process of developing the proposed residential subdivisions is to prepare an appropriate subdivision application that is in line with the requirements of the permitting government entities and subjected to the Guam Land Use Commission application process.

In our analysis of the application in reference to the Zoning Law, as well as the positive outcome in support during the public hearing and lastly, the positive response received from ARC Agencies. We have concluded that the proposed use is compatible with the existing uses in the proximity of the golf course facility and along Route 15 and that, it is our findings that this request is in line with the requirements of Section 61303 of the Zoning Law and, find it proper that it be considered favorably by the Guam Land Use Commission.

5. <u>RECOMMENDATION</u>: Planning staff recommends approval with the condition that applicant adhere to the ARC Position Statement conditions and the permitting agencies requirements.

Marvin Q. Aguilar Guam Chief Planner

Attachments:

ARC Position Statement Summary

Case Planner:

F. Taitano

AN APPLICATION HAS BEEN FILED WITH THE GUAM LAND USE COMMISSION (GLUC) FOR A CONDITIONAL USE PERMIT: TO AMEND THE ONWARD MANGILAO MASTER PLAN

PROJECT NAME:

APPLICANT/REPRESENTATIVE

PROJECT DESCRIPTION:

LOT, BLOCK, TRACT:

PUBLIC HEARING:

ONWARD MANGILAO GOLF CLUB MASTER PLAN AMENDMENT

W.B. FLORES & ASSOCIATES

PROPOSED PARCELING OF BASIC LOT

PORTION OF LOT 5292-3-3-R22 MUNICIPALITY: MANGILAO

Date: NOV 9, 2016 Time: 6:00 PM
Date: 1 MARCH 9, 2017 Time: 1:30 PM

Place: MANGILAD COMMUNITY CENTER

Place: DLM Conf Rm, 3rd Ftr, ITC Bldg, Tamuning

Minutes of Public Hearing

Application No. 2015-06 – Conditional Use Lot 5292-3-3-R21, Municipality of Mangilao

On November 9, 2016 - 6:10 P.M. a public hearing was conducted at the Mangilao Community Center, present was the applicant's representative, Mr. William Flores with W. B. Flores & Associates, the Mayor, Mr. Nonito Blas, and 13 public attendees.

Case Planner called the meeting to order, introduced himself, the application and explained that the purpose of the public hearing is to allow public input regarding the proposed application. He then introduced Mr. Flores who would explain the purpose of the application.

Mr. Flores introduced himself representing W.B. Flores & Associates who are representing Mangilao Golf Club in this matter. He thanked case planner for the introduction, thanked the Mayor and the Municipal Council for hosting the hearing then briefly explained the history of the golf course and its sister entities - the Onward Talofofo Golf Course and the Onward Hotel.

Mr. Flores presented two poster-sized displays – one was an overlay of a Google map of the region showing major landmarks and pertinent information; and the other was the conceptual subdivision for planning purposes. He explained that the purpose of the application is not to actually develop the subdivision but to amend the conditional use approval to allow housing and if the amendment is approved by the Guam Land Use Commission, any subdivisions would still be subject to the requirements for subdivisions, including designing of layout, utilities, access, landscaping, etc. Conservation areas and historic site areas on the golf course property were pointed out to those in attendance for their reference and information.

The floor was open for comments:

Comments:

Mrs. Lilia Basto commented that she is hoping the approval of the subdivision would also affect her property as she has been trying to build a duplex but her property is agricultural. Case Planner responded that this application would not affect her property. Mrs. Basto asked for consideration and was encouraged by case planner to visit the Department of Land Management, Planning Division to address her situation.

Mr. Mike Limtiaco asked, when is the project going to begin?

Mr. Flores responded that project is not for actual work – it is just to allow the housing component so as the golf course looks at its business plans in the future it can plan for the housing component.

Mrs. Barbara Limtiaco asked, where will the houses discharge sewage, and will the access be through the main road?

Mr. Flores responded that they are presently talking to GWA on utilizing an on-site packaged treatment system to dispose of sewage. Access to the proposed housing locations will not be through the existing main road to the golf course facility, access to and from the housing locations will be via a road along the northeast boundary of the golf course which will connect with the lower service road in the golf course and to Route 15.

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Mr. John Limtiaco asked, will these houses be available to the public or will they be limited to membership.

Mr. Flores responded that the houses will be available to any investor or homeowner within the conditions and covenants of the homeowners association or within the rules set by the golf course so as not to disturb golf course operations.

Mrs. Barbara Limtiaco asked, will a traffic light be installed?

Mr. Flores responded that the requirement for the installation of a traffic light will be subject to DPW Division of Highways Traffic Division. It is certain that traffic activity will be impacted during peak hours.

A discussion in the audience took place where several in attendance voiced their agreement and concern with inevitable traffic impact, water service impact and electrical service impact Case planner commented that the application is currently only to amend the conditions of the Conditional Use approval to allow the use of the property for housing subdivision. Any actual subdivision or development improvements will require the same procedure as this application which means this application and future application for the proposed subdivision or development improvements will have to be entertained by the Commission for action and at that time the public will again have the opportunity to provide input regarding the request.

Mr. John Limtiaco commented that the application package states each house will be served by individual septic treatment.

Mr. Flores responded, yes, however depending on the number of housing units, package plant may be required and showed the areas where the housing improvements would be in the golf course.

Unidentified attendee asked, is the golf course connected to sewer now? How do they dispose of their sewage?

Mr. Flores responded that the golf course already has a "package plant" but it disposes of the treated waste in its leaching field.

Ms. Fe Bamba asked, how will the subdivision affect our properties?

Mr. Flores responded that the normal response from appraisals and valuations would be an increase in the value of your properties – however this is all subject to market reaction.

Ms. Fe Bamba and Mr. Mike Limtiaco commented that Increases in property value means increase in taxes.

Mr. Flores responded no comment - Rev/Tax controls this.

Mr. Mike Limtiaco asked, are these going to be high-rises?

Mr. Flores responded, no, these are going to be no more than two-story houses and explained that the golf course will not allow high rise because it will detract from the view and the golf experience. Right now Mangilao Golf Club is one of the top 50 golf courses internationally and they do not want to jeopardize that ranking. Mr. Flores also explained that this is the current business plan, but in the future this may change and if it does, height variances would also be required to be processed through the GLUC.

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Mr. Mike Limtiaco commented that he has No objection to the proposed amendment, but the golf course should provide community improvements such as a park or recreational area. He feels the developer will profit greatly from this amendment so some concessions should be made to the community.

Mr. Flores responded, to please remember that this amendment stems from improving the financial operations of the golf course. Golf courses are barely surviving as it is.

Mr. Mike Limtiaco commented that the golf course needs to provide community improvements no matter what.

Several in Attendance stated they have no objections to the amendment, but have never even been in the golf course and would like to see it to understand where the developments will take place.

Mr. Flores responded that he will discuss a field trip with the golf course, but he recommends not in the early evening since the place has a lot of mosquitos and early afternoon will be best and maybe lunch with the golf course and he will get back to them.

After no further concerns or question was put forth by the attendees Mr. Flores thanked those in attendance for taking the time to attend and for their input.

There being no further questions or concerns the case planner adjourned the meeting at 7:45 P.M.

Frank P. Taitano

Case Planner

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DIPÅTTAMENTON MINANEHAN TÅNO' (Department of Land Management) GUBETNAMENTON GUÅHAN (Government of Guam)



MICHAEL J.B. BORJA Director

DAVID V. CAMACHO Deputy Director

EDDIE BAZA CALVO Governor

RAY TENORIO Lieutenant Governor

February 27, 2017

Memorandum

To:

Guam Land Use Commission (GLUC) Members

From:

Chairman, Application Review Committee (ARC)

Subject:

Summary of Positions Submitted by ARC

Re:

Application No. 2015-06 (Conditional Use)

Listed below is the compilation of Positions taken by the various ARC member agencies as submitted to Planning Division, Department of Land Management. The conditions as imposed by the ARC member agencies are listed when applicable.

DEPARTMENT OF LAND MANAGEMENT (DLM):

Planning Staff recommends approval with the condition that applicant adhere to the ARC Position Statement conditions and the permitting agencies requirements.

GUAM ECONOMIC DEVELOPMENT & COMMERCE AUTHORITY (GEDCA): GEDCA has no objections.

GUAM WATERWORKS AUTHORITY (GWA):

The Guam Waterworks Authority (GWA) has reviewed the applicant's request to amend the Onward Mangilao Golf Club Master Plan to allow parceling of a portion of Lot 5292-3-3-R21 and to allow for potential future residential development.

This memorandum shall serve as GWA's position statement to the above conditional use application related to availability of water and sewer infrastructures to serve the above subject lot. This position statement shall not be construed as notice that water and sewer systems have the capability to accommodate the proposed development, including fire flow, without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve the property shall be subject to the rules and regulations of GWA. Any required extension to the existing facilities to serve the subject property shall be at the expense of the applicant.

Memo to GLUC Members Ref: ARC Position Statements - Application No. 2015-06 February 27, 2017 Page 2 of 8

Given the information provided in the application and field observations, the following comments are conditions for GWA's position in favor of the approval of this conditional use application:

- 1. Future development must be covered under a Department of Public Works (DPW) construction permit. Plans and specifications must be submitted for GWA review and approval prior to construction. Submittals shall include water and sewer design calculations and complete drawings and specifications. Design calculations shall include water demand calculations and wastewater production calculations for the proposed development. Drawings shall delineate the water and wastewater service point of connection and provide specific connection details. if sewage disposal is to be accomplished by an Individual Sewage Disposal System, the plan must be in compliance with Guam Environmental Protection Agency (GEPA) and GWA requirements.
- 2. GWA recommends coordination with the GWA Engineering Department in advance of the permitting process to determine if available water and sewer system capacity can accommodate future development. Any offsite utility improvements necessary to support the proposed development shall be at the expense of the applicant. GWA's approval of the construction permit application will be contingent upon the applicant's agreement to construct the necessary offsite utility improvements. GWA's approval of the occupancy permit application will be contingent upon the completion of the offsite improvements.
- 3. Any public water and sewer infrastructure facilities installed by the developer must meet GWA standards and is subject to inspection by GWA.
- 4. The applicant shall include in the plans the proposed meter size(s) and install the water meters in the right of way or easement.
- 5. New development is subject to water and/or sewer system development charges (SDC).
- 6. A copy of the Onward Mangilao Golf Club Master Plan must be submitted to GWA.

This GWA Position Statement shall remain valid for 365 calendar days from the date of this response.

GUAM POWER AUTHORITY (GPA):

Guam Power Authority has reviewed the application and submits the following position statement:

- A. Comments and Recommendation Concerning GPA requirements:
 - 1. Applicant is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:

Memo to GLUC Members Ref: ARC Position Statements - Application No. 2015-06 February 27, 2017 Page 3 of 8

- a. Coordinate overhead/underground power requirements with GPA Engineering for new structures;
- b. Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electric Code;
- c. Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements;
- d. Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection:
- e. Provide scheduling and magnitude of project power demand requirements for new loads:
- f. All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials;
- 2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations;
- 3. A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities;
- 4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

B. General Comments

GPA has no object to the request subject to the conditions cited above.

DEPARTMENT OF PUBLIC WORKS (DPW):

The Department of Public Works, (DPW) has completed its review of the subject application and has no objection to the requests provided the following conditions be in place:

- 1. Provide a copy of the site development plan;
- 2. Establish a preliminary cross section within the geometric parameters for the proposed housing which includes the existing conservation and water recharge areas:
- 3. Storm drainage water disposal must be shown in details in the final drawings and to be supported with calculations;
- 4. Parking layout and parking stalls in the housing areas (compact, standard and accessible stalls) must meet the American Disability Act (ADA) requirements;
- 5. Entrance, exit, must be wide enough for emergency access;
- 6. Maintained good landscaping by making use of its physical and biological resources which will have a great impact to the environment;

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- 7. Set a preliminary values considering a slope based on long term conditions considering maintenance; and
- 8. Building permit is required for geotechnical requirements related to site preparations (clearing and grading) prior to any construction development.

Must comply with all the applicable rules, regulations and design drawings must meet all the requirements in conformance with the latest building code requirements prior to issuance of building permit.

BUREAU OF STATISTICS AND PLANS (BSP):

The Bureau has completed its review of the subject application and provides the following comments and recommendations:

 Land Use. The North and Central Guam Land Use Plan (NCGLUP) identifies the area as tourist/ resort designations. One of the goals of the NCGLUP is to establish land use categories that provide for a mix of residential, commercial, civic, and industrial development to meet future population and employment needs.

Policy LU-I (f) states: "The Tourist Resort land use category applies to areas needed for commercial uses to serve the traveling public, including hotelsr)notels, condominium-hotels, single family and multiple family residential uses, golf course and other typical resort services and retail uses. These categories are located primarily among the shoreline and include existing and future tourist and resort areas"

The Bureau finds that the proposed use is consistent with the NCGLUP's Future Land Use Map designation.

Policy LU-5 states: "Promote environmental sustainability through a variety of measures. Examples of possible measures include green building design, green spaces in urban areas, green infrastructure, greenway and conservation lands networks, transit-oriented and transit-ready development, improved networks for walking and wheeling, site design to promote renewable energy use, and other measures."

The applicant is encouraged to incorporate sustainable community development as specified in the NCGLUP Goal Land Use 2: Promote sustainable community development.

 Agricultural District and Native Flora and Fauna Protection. The applicant is advised to consult with the Department of Agriculture (DOAg) on an Agricultural Impact Statement pursuant to 21 GCA Chapter 61 §61637 which states:

"No additional land may be established as a rural zone and no land presently zoned A may be rezoned without the Commission first having considered an agricultural impact statement which shall be submitted by the Director of the Department of Agriculture. This statement shall provide a detailed statement of:

(a) The agricultural impact of the proposed rezoning upon the agricultural components of the Guam Master Plan.

Memo to GLUC Members Ref: ARC Position Statements - Application No. 2015-06 February 27, 2017 Page 5 of 8

- (b) Any adverse conservation or agricultural effects which cannot be avoided should the rezoning be approved.
- (c) The Director's opinion whether said rezoning should be approved and reasons therefore. "

The Bureau recommends the applicant to:

a) Submit the Agricultural Impact Statement as required.

- b) Consult with the DOAg's Division of Forestry and Soil Resources Division and Agricultural Services Division on using native plants to avoid and/or minimize the spread of invasive species.
- c) Consult with DOAg regarding the use of organic fertilizers or pesticides for landscaping purposes to avoid additional contaminants from entering any natural water sources.
- d) Encouraged to consult with GEPA regarding their Pesticide Control Program.
- 3. Water Source Protection. The applicant's Mangilao property is located above the Northern Guam Lens Aquifer (NGLA). The NGLA is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA as Guam's sole source aquifer. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply. The primary goal for protecting the aquifer is to safeguard human health and the environment by maintaining water quality for continued use. The applicant is advised to consult with the Guam Environmental Protection Agency (GEPA) to comply with an Aquifer Protection Review pursuant to the "Federal Safe Drinking Water Act," § 1424 and "Guam Safe Drinking Water Act," 10 GCA Chapter 53. Additionally, the Bureau recommends the applicant coordinate with the Guam Waterworks Authority (GWA) for water resource conservation and ensure the NGLA is protected through compliance with the "Water Pollution Control Act," 10 GCA Chapter 47; "Water Resources Conservation Act," 22 GCA Chapter 5; 10 GCA Chapter 46, as amended by P.L. 17-87, and the Guam Water Resource Development & Operating Regulations.
- 4. Stormwater Management. Managing stormwater is a crucial element in the protection of Guam's vital water resource. Surface runoff carries pollutants into Guam waters causing siltation and increasing sediment loads, which impairs receiving waters. The alteration of vegetated areas into buildings, driveways, parking lots, roads and other surfaces prevent water from filtering into the ground and greatly increases the runoff volume created during storms. Studies show that impervious surfaces directly correlate to increased runoff volumes as well as waterway velocities, erosion, and flooding.

The Bureau is concerned that future construction to the property will increase stormwater runoff. If best management practices are not in place during and after construction to control runoff and erosion from the site, this activity can adversely impact drinking water source and surrounding neighbors.

Therefore, prior to construction the Bureau highly recommends that the applicant:

a) Submit a drainage plan showing methods or practices for managing stormwater on site.

Memo to GLUC Members Ref: ARC Position Statements - Application No. 2015-06 February 27, 2017 Page 6 of 8

- b) Examine the existing stormwater catchment system and consult with Guam EPA if the system is appropriate and an effective implementation of stormwater practices.
- Incorporate stormwater facilities inclusive of but not limited to multi-cell ponding basins, bioretention systems, and bioswales into their site design as an infrastructure improvement.
- d) Implement erosion and sediment control methods to prevent sediment from leaving the project site during and after construction.

We also refer the applicant to the "Guam Erosion and Sediment Control Field Guide" for contractors and site inspectors and to the CNMI Guam Stormwater Management Manual for detailed stormwater treatment criteria and standards. An electronic version of the manual and field guide can also be obtained at the Guam EPA office or the Bureau at www.bsp3.guam.gov.

5. Low Impact Development (LID). The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features and minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Impervious surfaces from parking stalls, driveways, and rooftops accelerate stormwater runoff. According to the National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP) Land Cover Atlas, 27.30 percent of Mataguac Spring-Frontal Pacific Ocean Watershed is developed and 12.08 percent is impervious between the years 2005 to 2011. The analysis further identifies areas with impervious surface rates approaching or exceeding 12 percent to 15 percent will likely experience negative impacts to water quality. Severe degradation can be expected when rates reach 25 percent.

The Bureau is concerned that additional impervious surfaces may exacerbate flooding in the area and surrounding neighbors if practices are not in place to manage runoff on the on the property. The applicant is encouraged to implement LID practices such as permeable parking and walkways, grassed swales, island bio-retentions, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property. For guidance on these practices, an electronic file of the guidebook *Island Stormwater Practice Design Specifications* is available at the Bureau's, Guam Coastal Management Program (GCMP) office.

- 6. Entrance/Exit. Should the application be approved and construction on the residential units move forward the Bureau recommends the applicant to coordinate with the Department of Public Works (DPW) to determine appropriate ingress and egress as well as proper parking configuration and dimensions. Additionally, the Bureau suggests the applicants to work with DPW to ensure all building codes and regulations mandated under 21 GCA Chapter 61 of "The Parking and Loading Space Regulations" and 21 GCA Chapter 67 of "The Building Code".
- 7. Setbacks. The Bureau recommends that proper setback requirements are followed and to include a perimeter or buffer area either through landscaping or fencing to ensure the minimum yard and lot areas is established for single family zones.

Memo to GLUC Members Ref: ARC Position Statements - Application No. 2015-06 February 27, 2017 Page 7 of 8

The Bureau recommends the applicants to coordinate with the GEPA as stated in §61501 Minimum Yards and Lot Areas "(c) Lots over the aquifer. Lot sizes and set-back on properties above the aquifer shall be established by the Guam Environmental Protection Agency."

- 8. **Historic Preservation.** To preserve historic properties and artifacts, the applicant is advised to coordinate with the Department of Parks and Recreation (DPR), Guam Historic Resources Division, especially when excavation is involved.
- 9. **Public Access.** The Bureau advises the applicant to work with the DPR to ensure that the proposed activity will not deny public access to the shoreline, and should guarantee that the access to the shore and the signage are not hindered or obstructed.
- 10. Government Clearances. Should future expansion or alteration occur, the applicant is advised to obtain appropriate government agency review and approval to ensure compliance.

The Bureau finds that the proposed future residential development within the golf course is in line with the NCGLUP and has no objections to the amendment of Lot No. 5292-3-3-22 to allow future residential development. We applicant for employing rainwater catchment systems on their property, and further encourage the continuance of sustainable practices.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect the public health, safety, and to promote the public welfare and convenience. We also encourage the applicants to protect Guam's natural resources and to ensure they are used in a sustainable manner.

DEPARTMENT OF PARKS AND RECREATION (DPR):

We have reviewed subject application submitted by W.B. Flores & Associates, authorized representative, on behalf of the applicant, Onward Mangilao Golf Club, and have the following comments.

Based on the reviews of our records, including archaeological survey reports conducted on the subject area, prior to the construction of the existing golf course, we will require archaeological measures to address any potential adverse effects on historic properties associated with the development plans being proposed with the subject application.

During the DPW permitting process for the proposed development, once all development plans have been submitted and reviewed by our office, we will consult with the developer and representatives regarding any historic preservation requirements. Therefore, we have no objections to the approval of the subject application.

DEPARTMENT OF AGRICULTURE (DoAg):

Has not submitted Position Statement as of Staff Report date.

GUAM ENVIRONMENTAL PROTECTION AGENCY (GEPA):

Has not submitted Position Statement as of Staff Report date.

Memo to GLUC Members Ref: ARC Position Statements - Application No. 2015-06 February 27, 2017 Page 8 of 8

GUAM FIRE DEPARTMENT (GFD):

Has not submitted Position Statement as of Staff Report date.

DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES (DPH&SS):

Has not submitted Position Statement as of Staff Report date.

GUAM PUBLIC SCHOOL SYSTEM (GPSS):

Has not submitted Position Statement as of Staff Report date.

DEPARTMENT OF CHAMORRO AFFAIRS (DoCA):

Has not submitted Position Statement as of Staff Report date.

Marvin Q. Aguilar Guam Chief Planner

Attachments: ARC Position statements CC: Executive Secretary, GLUC



GUAM POWER AUTHORITY

ATURIDÅT ILEKTRESEDÅT GUAHAN P.O.BOX 2977 • AGANA, GUAM U.S.A. 96932-2977

MB2/19



February 8, 2016

MEMORANDUM

To:

Chairman, Guam Land Use Commission

Executive Secretary, Guam Land Use Commission

From:

General Manager

Subject:

Lot 5292-3-3-R21, Municipality of Mangilao, (Onward Mangilao Guam Inc.); Conditional Use Application to amend the master plan to allow for residential

development. Application No. 2015-06

Guam Power Authority has reviewed the application described above and submits the following position statement:

A. Comments and Recommendations Concerning GPA requirements:

- 1. Applicant is required to comply with the following pursuant to the National Electric Code, National Electric Safety Code and GPA's Service Rules and Regulations:
 - Coordinate overhead/underground power requirements with GPA Engineering for new structures.
 - Maintain minimum clearances as defined by the current edition of the National Electrical Safety Code and National Electrical Code.
 - Maintain adequate clearance between any structures and electric utility easements in accordance with NESC and GPA requirements.
 - Developer/Owner shall provide necessary electric utility easements to GPA prior to final connection.
 - Provide scheduling and magnitude of project power demand requirements for new loads.
 - All relocation costs for GPA's facilities, if necessary, is 100% chargeable to the applicant including but not limited to labor and materials.
- 2. Primary distribution overhead and underground line extensions and GPA service connections must adhere to the guidelines outlined in the current issue of GPA's Service Rules and Regulations.
- A system impact assessment may be required to determine the effect of this facility on GPA's existing power facilities.
- 4. All costs associated with the modification of GPA facilities shall be chargeable to the customer. This includes relocation costs, new installation costs and any required system upgrades.

B. General Comments

GPA has no objection to the request subject to the conditions cited above.

JOHNYI. BENAVENTE, P.E

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INFRASTRUCTURE CERTIFICATION FORM

Agency Certifying: Guam Power Authority Applicant: Onward Mangilao Guam Inc. Location: Lot 5292-3-3-R21, Mangilao

Type of Application: Conditional Use No. 2015-06

Brief Project Description:

To amend master plan to allow for residential development.

For the purposes of this Certification, GOVERNMENT SERVICES, FACILITIES, and INFRASTRUCTURE include, but are not limited to: power lines poles and facilities; water lines, pumps and facilities; sewer and liquid waste disposal; storm water disposal; solid waste disposal; telephone lines and facilities; schools; health facilities; police and fire fighting service and facilities; roads; traffic and street lights; parks and recreational activities.

1.	I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently AVAILABLE AND IN PLACE to support this project: Yes No
2.	If the answer to #1 above is YES, then: I hereby certify that the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE are currently ADEQUATE to support this project:
	Yes No 🖂
3.	If the required GOVERNMENT SERVICES, FACILITIES and INFRASTRUCTURE currently in place are NOT AVAILABLE or they are AVAILABLE, BUT NOT ADEQUATE, itemize the

Services, Facilities and Infrastructure Needed	Cost of Upgrades	Funds Available	Date Available	Funds Identified
Please see comments below				

services, facilities and infrastructure that are needed, the estimated cost thereof and whether funds are currently available and identified to develop such services, facilities and infrastructure:

I hereby certify that the foregoing is true and correct to the best of my knowledge.

JOHNM. BENAVENTE, P.E.
General Manager

2/16/16 Date

Comments:

Based on a preliminary inspection of the site, the electrical facilities <u>may</u> require upgrading to meet the demand of the proposed project. A system impact assessment maybe required to determine the effect of this facility on GPA's existing power distribution system. The applicant will be responsible for the cost of any required system upgrade.



The Honorable Eddic Baza Calvo Governor

The Honorable Ray Tenorio Lieutenant Governor

MB3/3

Dublic works
DIPATTAMENTON CHE'CHO' PUPBLEKO
Glenn Leon Guerrero
Director
Felix C. Benavente
Deputy Director

February 10, 2016

MEMORANDUM

TO:

Director, Guam Land Use Commission

FROM:

Director

SUBJECT:

Position Statement No. 2015-06

Conditional Use Application to Amend the Onward Mangilao Golf Club (formerly Mangilao Golf Course) Master Plan; Portion of Lot 5292-3-3-R21, Municipality of

Mangilao, Guam

Buenas yan Hafa Adai!

The Mangilao Golf Course, formerly owned by Haseko -Toyo, was approved as an 18th hole tournament standard golf course on April 17, 1989 and opened its first tee to the island in April 1992. The existing golf course features a picturesque landscaping with well cultivated botanical features, professionally maintained landscapes, stunning views to the Pacific Ocean and a modern clubhouse with restaurant and amenities that are typical of a resort quality and tournament quality golf course.

The original concept and land use approval were limited to the development to the golf course conservation and water recharge areas (ponding basin) were reserved as a condition of the original master plan approval by the Territorial Planning Commission. These conservation and water recharge areas remain protected and reserved. Allowable structures and uses were limited to golf course guest facilities and services, administrative and sales offices and maintenance services offices facilities. No development features were planned by the original owners other than the golf course, clubhouse and support facilities. These support facilities includes the nursery, building and ground maintenance shop.

Basis of the Proposed Amendment:

The property was purchased by Onward, the golf course has included potential housing development opportunities as the major component of its overall master plan improvement to the future. These potential residential development will increase the golf course business outlook and will provide golf course living for interested future homeowners.

The proposed housing sites were limited to outside of the conservations reservations, outside the water recharge areas (ponding basin), away from archaeological cultural resources zones. The proposed parcels are located on the southeast portion of the golf course, so will be accessible by developing the existing maintenance road that connects to the service road directly accessing the Route 15.

A total of three parcels will be designated for future residential development and are labeled on the attached parcelling plan as follows:



- a) Lot 5292-3-3-22-1 (Approx. 66,724 sm +/-)
- b) Lot 5292-3-3-22-1 (Approx. 52,690 sm +/-)
- c) Lot 5292-3-3-22-3 (Approx. 81,385 sm +/-)

The Department of Public Works, (DPW) has completed its review of the subject application and has no objection to the requests provided the following conditions be in place:

- provide a copy of the site development plan;
- establish a preliminary cross section within the geometric parameters for the proposed housing which includes the existing conservation and water recharge areas;
- storm drainage water disposal must be shown in details in the final drawings and to be supported with calculations;
- parking layout and parking stalls in the housing areas (compact, standard and accessible stalls) must meet the American Disability Act (ADA) requirements;
- entrance, exit, must be wide enough for emergency access;
- maintained good landscaping by making use of its physical and biological resources which will have a great impact to the environment;
- set a preliminary values considering a slope based on long term conditions considering maintenance; and
- building permit is required for geotechnical requirements related to site preparations (clearing and grading) prior to any construction development.

Must comply with all the applicable rules, regulations and design drawings must meet all the requirements in conformance with the latest building code requirements prior to issuance of building permit.

Should you have any questions, please contact Mr. John F. Calanayan, Acting Engineer In- Charge or Maryrose M. Wilson, Engineer III in the Division of Capital Improvement Projects (CIP) at 646-3189/3224.

Dangkulu na Si Yu'os Ma'ase!



GUAM WATERWORKS AUTHORITY

Gloria B. Nelson Public Service Building 688 Route 15, Mangilao, Guam 96913

FEB 1 9 2016

Department of Land Management

RECEIVED

MEMORANDUM

February 5, 2016

TO:

Director, Department of Land Management

FROM:

Miguel C. Bordallo, P.E. General Manager

SUBJECT:

Position Statement on Conditional Use Application to amend Onward Mangilao Golf Club Master Plan, portion of Lot 5292-3-3-R21, in an "A" (Rural) zone, in the Municipality of

Mangilao, under Application No. 2015-06.

APPLICANT(S):

Onward Mangilao Golf Club, W. B. Flores & Associates

(Rep)

The Guam Waterworks Authority (GWA) has reviewed the applicant's request to amend the Onward Mangilao Golf Club Master Plan to allow parceling of a portion of Lot 5292-3-3-R21 and to allow for potential future residential development.

This memorandum shall serve as GWA's position statement to the above conditional use application related to availability of water and sewer infrastructures to serve the above subject lot. This position statement shall not be construed as notice that water and sewer systems have the capability to accommodate the proposed development, including fire flow, without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve the property shall be subject to the rules and regulations of GWA. Any required extension to the existing facilities to serve the subject property shall be at the expense of the applicant.

Given the information provided in the application and field observations, the following comments are conditions for GWA's position in favor of the approval of this conditional use application:

Applicant(s): Onward Mangilao Golf Club, W. B. Flores & Associates (Rep)

- 1. Future development must be covered under a Department of Public Works (DPW) construction permit. Plans and specifications must be submitted for GWA review and approval prior to construction. Submittals shall include water and sewer design calculations and complete drawings and specifications. Design calculations shall include water demand calculations and wastewater production calculations for the proposed development. Drawings shall delineate the water and wastewater service point of connection and provide specific connection details. If sewage disposal is to be accomplished by an Individual Sewage Disposal System, the plan must be in compliance with Guam Environmental Protection Agency (GEPA) and GWA requirements.
- 2. GWA recommends coordination with the GWA Engineering Department in advance of the permitting process to determine if available water and sewer system capacity can accommodate future development. Any offsite utility improvements necessary to support the proposed development shall be at the expense of the applicant. GWA's approval of the construction permit application will be contingent upon the applicant's agreement to construct the necessary offsite utility improvements. GWA's approval of the occupancy permit application will be contingent upon the completion of the offsite improvements.
- Any public water and sewer infrastructure facilities installed by the developer must meet GWA standards and is subject to inspection by GWA.
- 4. The applicant shall include in the plans the proposed meter size(s) and install the water meters in the right of way or easement.
- 5. New development is subject to water and/or sewer system development charges (SDC).
- 6. A copy of the Onward Mangilao Golf Club Master Plan must be submitted to GWA.

This GWA Position Statement shall remain valid for 365 calendar days from the date of this response. Please contact GWA Engineering Division regarding water and sewer system improvement design and construction standards and procedures. For additional information please contact Mauryn McDonald, Permits and New Area Development Supervisor, at 300-6054.

Eddie Baza Calvo Governor of Guam

Lieutenant Governor

Ray Tenorio



Government of Guam P.O. Box 2950 Hagåtña, Guam 96932

> Tel: (671) 472-4201/3 Fax: (671) 477-1812



William M. Castro
Director

James T. McDonald
Deputy Director

MAR 2 5 2016

MEMORANDUM

To:

Director, Department of Land Management

Attn:

Division of Planning

From:

Director, Bureau of Statistics and Plans

Subject:

APPLICATION NO. 2015-06; LOCATION: Lot No. 5292-3-3-22, Mangilao; APPLICANT: Onward Mangilao Golf Club; PROPOSED USE: Continual use with the amendment to the master plan to allow future residential development.

with the amendment to the master plan to allow future residential development.

Buenas yan Håfa Adai! Applicant, Onward Mangilao Golf Club is requesting to amend the master plan of Lot No. 5292-3-3-22 in the village of Mangilao. The subject property is currently zoned "A" Agriculture and has an existing conditional use permit for the golf course. Accessible from Route 15, the surrounding land uses are agriculture, single family, and industrial uses.

Subsequently, the amendment is to allow potential future residential development on the property. The subject property has an area of 13,266,233 (\pm) square feet or a total of 303.6 (\pm) acres. A total of three parcels will be designated for future residential development upon approval and do not include clearing, grading, or other construction under this amendment. The proposed parcels and their respective lot sizes are listed as follows:

TOTAL	1,650,947.45	49.5	
5292-3-3-22-3	876,020.85	20	
5292-3-3-22-2	567,150.44	13	
5292-3-3-22-1	718,211.16	16.5	
Lot No.	Square Feet	Acres	

The Bureau has completed its review of the subject application and provides the following comments and recommendations:

1. Land Use. The North and Central Guam Land Use Plan (NCGLUP) identifies the area as tourist/ resort designations. One of the goals of the NCGLUP is to establish

land use categories that provide for a mix of residential, commercial, civic, and industrial development to meet future population and employment needs.

Policy LU-1 (f) states: "The Tourist/Resort land use category applies to areas needed for commercial uses to serve the traveling public, including hotels/motels, condominium-hotels, single family and multiple family residential uses, golf course and other typical resort services and retail uses. These categories are located primarily among the shoreline and include existing and future tourist and resort areas"

The Bureau finds that the proposed use is consistent with the NCGLUP's Future Land Use Map designation.

Policy LU-5 states: "Promote environmental sustainability through a variety of measures. Examples of possible measures include green building design, green spaces in urban areas, green infrastructure, greenway and conservation lands networks, transit-oriented and transit-ready development, improved networks for walking and wheeling, site design to promote renewable energy use, and other measures."

The applicant is encouraged to incorporate sustainable community development as specified in the NCGLUP Goal Land Use 2: Promote sustainable community development.

2. Agricultural District and Native Flora and Fauna Protection. The applicant is advised to consult with the Department of Agriculture (DOAg) on an Agricultural Impact Statement pursuant to 21 GCA Chapter 61 §61637 which states:

"No additional land may be established as a rural zone and no land presently zoned A may be rezoned without the Commission first having considered an agricultural impact statement which shall be submitted by the Director of the Department of Agriculture. This statement shall provide a detailed statement of:

- (a) The agricultural impact of the proposed rezoning upon the agricultural components of the Guam Master Plan.
- (b) Any adverse conservation or agricultural effects which cannot be avoided should the rezoning be approved.
- (c) The Director's opinion whether said rezoning should be approved and reasons therefore."

The Bureau recommends the applicant to:

- a) Submit the Agricultural Impact Statement as required.
- b) Consult with the DOAg's Division of Forestry and Soil Resources Division and Agricultural Services Division on using native plants to avoid and/or minimize the spread of invasive species.

- c) Consult with DOAg regarding the use of organic fertilizers or pesticides for landscaping purposes to avoid additional contaminants from entering any natural water sources.
- d) Encouraged to consult with GEPA regarding their Pesticide Control Program
- 3. Water Source Protection. The applicant's Mangilao property is located above the Northern Guam Lens Aquifer (NGLA). The NGLA is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA as Guam's sole source aquifer. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply. The primary goal for protecting the aquifer is to safeguard human health and the environment by maintaining water quality for continued use. The applicant is advised to consult with the Guam Environmental Protection Agency (GEPA) to comply with an Aquifer Protection Review pursuant to the "Federal Safe Drinking Water Act," § 1424 and "Guam Safe Drinking Water Act," 10 GCA Chapter 53. Additionally, the Bureau recommends the applicant coordinate with the Guam Waterworks Authority (GWA) for water resource conservation and ensure the NGLA is protected through compliance with the "Water Pollution Control Act," 10 GCA Chapter 47; "Water Resources Conservation Act," 22 GCA Chapter 5; 10 GCA Chapter 46, as amended by P.L. 17-87, and the Guam Water Resource Development & Operating Regulations.
- 4. Stormwater Management. Managing stormwater is a crucial element in the protection of Guam's vital water resource. Surface runoff carries pollutants into Guam waters causing siltation and increasing sediment loads, which impairs receiving waters. The alteration of vegetated areas into buildings, driveways, parking lots, roads and other surfaces prevent water from filtering into the ground and greatly increases the runoff volume created during storms. Studies show that impervious surfaces directly correlate to increased runoff volumes as well as waterway velocities, erosion, and flooding.

The Bureau is concerned that future construction to the property will increase stormwater runoff. If best management practices are not in place during and after construction to control runoff and erosion from the site, this activity can adversely impact drinking water source and surrounding neighbors.

Therefore, prior to construction the Bureau highly recommends that the applicant:

- a) Submit a drainage plan showing methods or practices for managing stormwater on site.
- b) Examine the existing stormwater catchment system and consult with Guam EPA if the system is appropriate and an effective implementation of stormwater practices.
- c) Incorporate stormwater facilities inclusive of but not limited to multi-cell ponding basins, bioretention systems, and bioswales into their site design as an infrastructure improvement.

d) Implement erosion and sediment control methods to prevent sediment from leaving the project site during and after construction.

We also refer the applicant to the "Guam Erosion and Sediment Control Field Guide" for contractors and site inspectors and to the CNMI Guam Stormwater Management Manual for detailed stormwater treatment criteria and standards. An electronic version of the manual and field guide can also be obtained at the Guam EPA office or the Bureau at www.bsp3.guam.gov.

5. Low Impact Development (LID). The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features and minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product. Impervious surfaces from parking stalls, driveways, and rooftops accelerate stormwater runoff. According to the National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP) Land Cover Atlas, 27.30 percent of Mataguac Spring-Frontal Pacific Ocean Watershed is developed and 12.08 percent is impervious between the years 2005 to 2011. The analysis further identifies areas with impervious surface rates approaching or exceeding 12 percent to 15 percent will likely experience negative impacts to water quality. Severe degradation can be expected when rates reach 25 percent.

The Bureau is concerned that additional impervious surfaces may exacerbate flooding in the area and surrounding neighbors if practices are not in place to manage runoff on the on the property. The applicant is encouraged to implement LID practices such as permeable parking and walkways, grassed swales, island bio-retentions, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property. For guidance on these practices, an electronic file of the guidebook *Island Stormwater Practice Design Specifications* is available at the Bureau's, Guam Coastal Management Program (GCMP) office.

- 6. Entrance/Exit. Should the application be approved and construction on the residential units move forward the Bureau recommends the applicant to coordinate with the Department of Public Works (DPW) to determine appropriate ingress and egress as well as proper parking configuration and dimensions. Additionally, the Bureau suggests the applicants to work with DPW to ensure all building codes and regulations mandated under 21 GCA Chapter 61 of "The Parking and Loading Space Regulations" and 21 GCA Chapter 67 of "The Building Code".
- 7. Setbacks. The Bureau recommends that proper setback requirements are followed and to include a perimeter or buffer area either through landscaping or fencing to ensure the minimum yard and lot areas is established for single family zones. The Bureau recommends the applicants to coordinate with the GEPA as stated in §61501 Minimum Yards and Lot Areas "(c) Lots over the aquifer. Lot sizes and set-back on properties above the aquifer shall be established by the Guam Environmental Protection Agency."

BSP Position Statement Application No. 2015-06 Page 5

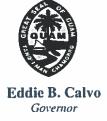
- 8. **Historic Preservation.** To preserve historic properties and artifacts, the applicant is advised to coordinate with the Department of Parks and Recreation (DPR), Guam Historic Resources Division, especially when excavation is involved.
- 9. **Public Access.** The Bureau advises the applicant to work with the DPR to ensure that the proposed activity will not deny public access to the shoreline, and should guarantee that the access to the shore and the signage are not hindered or obstructed.
- 10. Government Clearances. Should future expansion or alteration occur, the applicant is advised to obtain appropriate government agency review and approval to ensure compliance.

The Bureau finds that the proposed future residential development within the golf course is in line with the NCGLUP and has no objections to the amendment of Lot No. 5292-3-3-22 to allow future residential development. We applied the applicant for employing rainwater catchment systems on their property, and further encourage the continuance of sustainable practices.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect the public health, safety, and to promote the public welfare and convenience. We also encourage the applicants to protect Guam's natural resources and to ensure they are used in a sustainable manner.

WILLIAM M. CASTRO

cc: GEPA DPW GWA DPR GPA



Department of Parks and Recreation Government of Guam

490 Chalan Palasyo, Agana Heights, Guam 96910 Director's Office: (671) 475-6296/7; Fax (671) 477-0997 Parks Division: (671) 475-6288/9 Guam Historic Resources Division: (671) 475-6294/5

Facsimile: (671) 477-2822



Robert S. Lizama
Director

William N. Reyes
Deputy Director

Ray Tenorio
Li. Governor

In reply refer to: RC2016-0067

July 5, 2016

To:

Executive Secretary, Guam Land Use Commission

From:

Director, Department of Parks and Recreation

Subject:

DPR Position Statement on:

DLM Case No. 2015-06 Conditional Use Application to Amend the Onward-

Mangilao Golf Club Master Plan, Portion of Lot 5292-3-3-R21, Municipality of

Mangilao, Guam

We have reviewed subject application submitted by W.B. Flores & Associates, authorized representative, on behalf of the applicant, Onward Mangilao Golf Club, and have the following comments.

Based on the reviews of our records, including archaeological survey reports conducted on the subject area, prior to the construction of the existing golf course, we will require archaeological measures to address any potential adverse effects on historic properties associated with the development plans being proposed with the subject application.

During the DPW permitting process for the proposed development, once all development plans have been submitted and reviewed by our office, we will consult with the developer and representatives regarding any historic preservation requirements. Therefore, we have no objections to the approval of the subject application.

If you have any questions with regards to our position, please contact our office.

Cc:

W. B. Flores & Associates

S. Lizama

March 3, 2017

Mr. Michael J.B. Borja
Executive Secretary
Guam Land Use Commission
Department of Land Management
590 S. Marine Corps Drive
ITC Bldg. Suite 733
Tamuning, Guam 96913

Subject:

Letter of Authorization for Representation

Conditional Use Application to Amend Onward Mangilao Golf Club Master Plan

Lot 5292-3-3-22, Mangilao, Guam

Dear Mr. Borja:

This authorizes W.B. Flores & Associates and Richard Sana with FC Benavente Planners to represent the Onward Mangilao Golf Club in the processing of a Conditional Use Application to amend the Master Plan.

This authorization is valid until the Guam Land Use Commission provides a final decision on the Conditional Use application, or unless revoked by the Onward Mangilao Golf Club.

I may be reached at 789-5555 if you should have any questions or need clarification.

Sincerely,
Tamotsu Ito
Director

Guam U.S.A.		
Municipality of Tamuning)	SS

On this 2nd day of MARCH, 2017 before me, the undersigned notary, personally appeared, the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Publ

OTAVAL OF AVAIL

My Commission Expires:

MAY 01, 2020

ZANDEE ANDREW S. RUPIDO NOTARY PUBLIC In and for Guam, U.S.A.

My Commission Expires: MAY. 09, 2020
155 ET. Calvo Memorial Parkwy Suize 100, Tamuning, GU 96913

ATTACHMENT D

DIPATTAMENTON MINANEHAN TANO'
(Department of Land Management)

GUBETNAMENTON GUĀHAN

(Government of Guam)



EDDIE BAZA CALVO Governor

RAY TENORIO Lieutenant Governor



MICHAEL J.B. BORJA Director

DAVID V. CAMACHO Deputy Director

March 4, 2017

MEMORANDUM

TO:

Guam Land Use Commission (GLUC) Members

FROM:

Guam Chief Planner

SUBJECT:

Staff Report

Zone Change -Application No. 2016-44

Lot 5328-REM, Mangilao

A. PURPOSE:

- 1. Application Summary: The Applicant, The Estate of Vicente Palomo Castro & Joseph M. Palomo (Administrator), represented by Harry D. Gutierrez, is requesting the approval of a Zone Change from "A" (Agricultural) to "M-1" (Light Industrial) Zone, in order to allow construction of a warehouse with office space, a veterinary clinic, a pet store and a boarding facility on Lot 5328-REM, Pagat, Municipality of Mangilao.
- 2. Legal Authority: Title 21, Guam Code Annotated, Chapter 61 Title 21 Guam Code Annotated, Chapter 61 Article 6, Part 3 (Changes of Zones), Sections 61630 thru 61638 (Zoning Law).

B. FACTS:

- 1. Location: The subject site is fronting a 100-foot right of way also known as Route No. 15 and also across the new Gloria B. Nelson GPA/GWA office complex which is located on the eastern border of the lot approximately 900 feet east of Route No. 15. The main access to the site is on Route No. 15 in Mangilao. (See ATTACHMENTS).
- 2. Lot Areas: At the time the application was accepted the subject properties were undergoing subdivision survey review by the Department of Land Management¹. The subject lots have been parceled into two lots with one Right of way, and having an area totaling:
 - a. <u>Lot 5328-REM-R2</u> (Northern Portion) 27,699 square meters or 298,148.4 square feet or 7.45 acres; and
 - b. Lot 5328-REM-2 (Southern Portion) 27,348 square meters or 294,370.3 square feet or 7.35 acres

Mailing Address: P.O. Box 2950 Hagátña, GU 96932

Website: http://land.guam.gov

E-mail Address: dlmdir@land.guam.gov

Telephone: 671-649-LAND (5263)

Facsimile: 671-649-5383



Street Address: 590 S. Marine Corps Drive Suite 733 ITC Building Tamuning, GU 96913

¹ See DLM Subdivision Survey Map No. 306FY2016, as approved and recorded under DLM Doc. No. 900617.

Staff Report -Zone Change Application No. 2016-44 Page 2 of 4

3. Present Zoning: A" (Agricultural) Zone.

- 4. Field Description: The subject is vacant with overgrown vegetation. The topography is sloping towards the lowest point at Route No. 15. Land uses near include residential and subsistent farming or grazing. Within 900 feet a government services utility complex exists and Hawaiian Rock Products exists approximately ½ mile to the northeast. Other properties to the west have been returned to heirs of ancestral land owners, remain in federal hands, and/or are being administered through the Guam Ancestral Lands Commission. The use activities are mixed and all utility infrastructures are within 100 feet of the subject development.
- 5. Masterplan: Not Determined
- 6. Community Design Plan: Conservation
- 7. Previous Commission Action: None.

c. APPLICATION CHRONOLOGICAL FACTS:

1. Date Heard By ARC: October 6, 2016

2. Public Hearing: November 30, 2016

The required public hearing was held at the Mangilao Mayor's Office / Community Center on November 30, 2016, at 6:05 P.M. Present were, the Case Planner, Mr. Harry Gutierrez, the Applicant's representatives, Mayor Elect Allen Ungacta, a neighbor and DLM staff. Total four (4) individuals were present.

(Note: Minutes of the hearing are provided in ATTACHMENT 2)

D. <u>STAFF ANALYSIS:</u> A Zone change must addressed <u>Public Necessity</u>, <u>Public Convenience</u> and <u>General Welfare</u> criteria. The applicant provides the following:

In response to *public necessity*, the applicant states the area is developing into more light industrial activities and to accommodate a growing population and the anticipated military buildup to support services in veterinary care and boarding facility, logistical and storage requirements in the next few years and beyond. There will be a demand for such services, warehousing/storage for all goods incoming and outgoing on the island that will serve the island community.

In response to public convenience, the applicant states the proposed warehouse and office and facilities and intended uses on the property would be consistent and convenient with the current land uses in the immediate area and within a radius of 500 to 3,000 feet in Pagat, Mangilao area. The location is central to all areas with large population, very near the commercial

Staff Report – Zone Change Application No. 2016-44 Page 3 of 4

districts with large population requiring warehousing and other storage space and services proposed on the site.

On protecting general welfare of the public, the applicant states proposed rezoning and uses will protect the general public, the immediate surrounding and properties by being consistent for light industrial activities that is on-going at present time and for future uses and requirements that is permitted in a light industrial zone. The owners will ensure that all permitting requirements and conditions of the land uses commission and all government agencies are adhered to as well as to minimizing impacts to the immediate surroundings and to the general public and especially our environment and the water lens below (part of the norther Recharge Area). Development on the site will provide employment of local residents and contribute positively to improving the island's growing economy.

Properties identified in this report are part of federal excess lands returned to heirs of original land owners. Public Law 33-197, as amended, recognized such lands having been under the federal ownership and authority prior to the passage of the zoning code. As a result such properties remained without designated zones. The law assigned a designation of "A" (Rural-Agricultural) to bring these and other "un-zoned" properties into code conformance and by doing so, allow property owners to assert their right to indulge the code and its authority to make certain requests as in this case, to change the properties' zoning designation.

The requested zone change to "Light Industrial" appears to be prudent when considering both past master planning efforts for the general area² and past development trend in the immediate area³. This and legislative transfer of land and subsequent operation of a public utilities services center impresses a development trend from the past and into present, of which further support non-residential and/or non-agricultural development scheme, thus, the potential for the area to span in the direction towards more commercial and industrial uses.

The applicant has submitted the required Agricultural Impact Statement (AIS) with a position from the Department of Agriculture not opposing the zone change and intended development, however requesting appropriated measures be implemented to protect the environment and the Northern Aquifer. The AIS further recommendations a comprehensive landscaping plan that will be incorporated as part of the review and approval of existing or proposed development in the immediate area. Agriculture further offer assistance for proposed development. Based on existing land use of the site, appears that there are no significant impacts on agriculture (subsistence farming) and or existing lands uses in the immediate and near the proposed site.

³ As early as 1968, properties adjacent to the Gloria Nelson Utilities Building were re-zoned to "M-2" (Heavy Industrial) zone; Lot 2517-R5.

² See §80106, Chapter 80, Title 21 Guam Code Annotated relative creating the Provisional Commission wherein it was charged with preparing a comprehensive zoning plan for returned lands under guise of GALC.

Staff Report – Zone Change Application No. 2016-44 Page 4 of 4

As a standard performance requirement prior to any development on the site, the applicant/developer must clearly demonstrate, for example, an accommodation of utilities without impacting surrounding uses or users. Measures such a system development charge as asserted by the Guam WaterWorks Authority assure appropriate infrastructure capacities are met prior to progressing forward with any scheme.

With respect to municipal input we defer to minutes provided at the municipal hearing, as scheduled by the GLUC. As of date of preparation of this report the Division of Planning has yet to receive a response from the Mangilao Municipal Planning Council and considers a lapse of over 20 days pursuant to Section 61380 of the zoning code.

<u>RECOMMENDATION</u>: Base on our assessment of the proposed change of zone, we recommend <u>approval</u> of this request provided the applicant secures a resolution from th Mangilao Municipal Planning Council.

If found in favor by the Commission, we encourage the applicant to adhere to all ARC recommendations, conditions and requirements as may be applicable to eventual development of both properties.

Marvin Q. Aguilar Guam Chief Planner

Case Planner: Penmer Gulac

Attachments:

- 1. Vicinity Map
- 2. Minutes of November 30, 2016
- 3. Subdivision Survey Map No. 306FY2016
- 4. Agricultural Impact Statement

PUBLIC HEARING MINUTES (Attachment) Lot 5328-REM, Mangilao

The required public hearing was held at the Barrigada Mayor's Office / Community Center on November 30, 2016, at 6:05 P.M. Present were, the Case Planner, Mr. Harry Gutierrez, Consultant, Mayor Elect Allen Ungacta, a neighbor.

The Case Planner presented the proposed project and read the positions statements from Bureau of Statistics and Plans, Guam Power Authority, Parks and Recreation/Historical Preservation Office. Mr. Gutierrez highlighted details of the application and clients intentions; he discussed the time frame of the application process, proposed construction, improvements and compliance of the building code, permits required for new development on the site; access to the site and area of development to maximize the proposed use and permitted uses on the subject lot.

Public comments and concerns that were noted are as follows:

Mayor Elect Allen Ungacta:

He is supporting the zone change as it will be beneficial to the community and create more jobs for residents. That the site ideal for the proposed uses. Advised the Applicant's representative to ensure all development permits are obtained.

Response (Mr. Gutierez, consultant):

Public sewer is not available on the site, but the development will be connect to the nearest public sewer connection to be coordinated with Guam Waterworks Authority. All other utility infrastructure is available within 100 feet. The on-site ponding basin will be in place and is subject to approval of Guam Environmental Protection Agency, that a holding tank and other waste-water control system may be imposed on site by Guam EPA.

Mr. David Baza: A resident nearby:

He supports the rezoning application and he wants to also rezone his property nearby into light industrial zone.

Page 2: PUBLIC HEARING MINUTES (Attachment) Lot 5328-REM, Mangilao

Mayor Elect Allan Ungacta:

He stated that the municipal planning council will further review the application and will with the consultant and owners ..as how they have invested interests in our village and community and provide more jobs for our residents.

Planning Staff Summary of Public Hearing:

After discussion on rezoning and information given by the consultant, and clarification of the access, development of the site, the public and those in attendance had no objections to the rezoning.

Planning Staff reminded the Mayor to provide a Municipal Planning Council Resolution prior to the Land Use Commission hearing.

Planning informed those in attendance that the Application Review Committee (ARC) had no objections on the application. The next hearing will be with the Guam Land Use Commission (GLUC), ITC Building, and will be announced in the daily newspaper circulation 10 days prior to the hearing date and time.

There hearing was adjourned at 7:05 p.m.

Permer Gulac, Case Planner

Zone Change -Application No. 2016-44 Lot 5328-PEM, Mangilao TACHMENT

SUBJECT LOT Lot 5328-REM-R2

Expanse of Hawaiian Rock Quarrying Operations

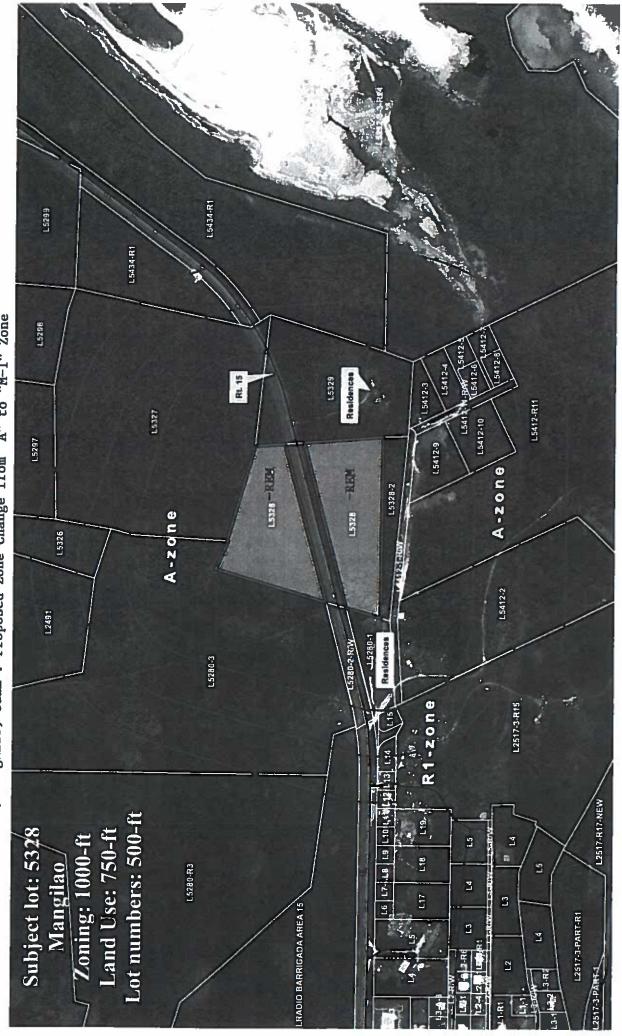
Route 15

SUBJECT LOT Lot 5328-REM-2 Lot 2517-R5 Zoned "M-2" Heavy Industrial Zone

Utilities Services Center

General Location

Gloria Nelson



Attachment - Lot 5328-REM, Mangilao, Guam : Proposed Zone Change from "A" to "M-1" Zone

My: 614 2016-44

1 Glac 3/7/1/2 D.~

AUTHORIZATION

I, JOSEPH M. PALOMO, administrator of Lot No.5328-REM-1 and Lot No.5328-REM-R2. Municipality of Mangilao, of legal age and with power bestowed as the administrator of the subject properties, through this instrument s hereby do grant and authorize the following:

- 1. That HARRY D. GUTIERREZ or JOEL JOSEPH are hereby authorized to represent me in obtaining a Zone Change to M1 Application with the Department of Land Management.
- That my authorized representative / consultant to conduct himself accordingly to arbitrate, negotiate, commit represent, mitigate and abate the proposed project through all reviewing instrumentalities involved along the process.

I hereunto affix my signatures to this affidavit:

ØSEPH M. PALOMO

ADMINISTRATOR and Date

GUAM, U.S.A.)

) ss:

CITY OF TAMUNING)
ON THIS _______ day of ____ _____, 2017, before me, a Notary Public, in and for GUAM, U.S.A., personally appeared JOSEPH M. PALOMO, and acknowledged to me that he executed the foregoing AUTHORIZATION, as his voluntary act and deed for the purposes herein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

NOTARY PUBLIC My Commission expires:

NOT ARY I UBLIC In and for Gurm, U.S.A. My Commissio. Expires: OCT. 01, 2019 356 S. Marine D., Ta nuning, Guam 96913

7 60/ar 3/2/17 pm

Street Address: 590 S. Marine Corps Drive Suite 733 ITC Building Tamuning, GU 96913

> Mailing Address: P.O. Box 2950 Hagātña, GU 96932

Website: http://land.guam.gov

E-mail Address: dlmdir@land.guam.gov

Telephone: 671-649-LAND (5263)

Facsimile: 671-649-5383





DIPĂTTAMENTON MINANEHAN TÂNO' (Department of Land Management) GUBETNAMENTON GUĂHAN (Government of Guam)



MICHAEL J.B. BORJA Director

DAVID V. CAMACHO Deputy Director

EDDIE BAZA CALVO Governor

RAY TENORIO Lieutenant Governor

March 4, 2017

MEMORANDUM

TO:

Guam Land Use Commission (GLUC) Members

FROM:

Chairman, Application Review Committee (ARC)

SUBJECT:

Summary of Position Statements by ARC

Zone Change -Application No. 2016-44

Lot 5328-REM, Mangilao

Listed below is the compilation of Positions received from various ARC Member Agencies as submitted to Planning Division. The conditions as imposed by the ARC Member Agencies are listed when applicable.

1. <u>DEPARTMENT OF LAND MANAGEMENT (DLM)</u>: Recommends APPROVAL

2. BUREAU OF STATISTICS AND PLANS (BSP

The Bureau has comments with recommendations (Attached Certification).

3. DEPARTMENT OF PARK AND RECREATION/HISTORICAL PRESERVATION OFFICE (DPR/HPO):

DPR/HPO has no objection, and have determined that the proposed project will require additional information and other requirements for proposed development on the site.

4. GUAM WATERWORKS AUTHORITY (GWA):

Support the approval with attached recommendations and requirements noted.

5. DEPARTMENT OF PUBLIC WORKS (DPW):

No Objections with recommendations and requirements noted.

6. ENVIROMENTAL PROTECTION AGENCY (GEPA):

No Position Statement Received as of Staff Report Date.

7. **GUAM POWER AUTHORITY (GPA):**

No Objections with recommendations and requirements noted.

8. <u>DEPARTMETN OF AGRICULTURE (DoAG)</u>:

No Objections with Recommendations noted on Agricultural Impact Statement (Attached).

Re: Summary of Position Statements Zone Change Application No. 2016-44 Page 2 of 2

EX OFFICIO

1. **GUAM FIRE DEPARTMENT (GFD):**

No Position Statement Received as of Staff Report Date

- 2. **GUAM ECONOMIC DEVELOPMENT AGENCY (GEDCA):** NO OBJECTIONS.
- 3. <u>DEPARTMENT OF EDUCATION (DOE)</u>:

No submitted Position Statement as of Staff Report date.

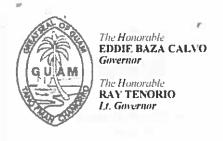
4. <u>DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES</u> (DPHSS):

No submitted Position Statement as of Staff Report date.

Marvin Q. Aguilar Guam Chief Planner

Case Planner: Penmer Gulac

ATTACHMENTS: Position Statements as noted





GLENN LEON GUERRERO
Director
FELIX C. BENAVENTE
Deputy Director

October 26, 2016

MEMORANDUM

TO:

Director, Department of Land Management

FROM:

APPLICATION:

SCZ 2016- 44

Director

request our

M3 12/2 DEC 0 1 2016 Department of the part of the par

APPLICANT:

Vicente Palomo Castro and Joseph M. Palomo (Administrator)

SUBJECT:

Zone Change from Agricultural ("A") to ("M-1") Light Industrial Zone,

Lot 5328-REM (Northern Portion) Area: 27,699 Square Meters Lot 5328- REM (Southern Portion) Area: 27,348 Square Meters Lot 5328-R/W (Rights of Way) Area: 8,586 Square Meters

Buenas yan Hafa Adai!

The applicants, are requesting for a zone change of the above subject properties from "A" to "M-1". The above subject lots are part of the federal return excess lands (ancestral) that the private owners reacquired in recent years. The returned lands were zoned "A" upon released from the Federal Government to Government of Guam.

The Department of Public Works (DPW) has completed its review of the subject application and to provide the following requirements:

- the rights of way area under Lot No. 5328 R/W must be coordinated in the Division of Highways (rights of way section); and
- must provide a surveyed map signed by a registered surveyor and recorded from Department of Land Management.

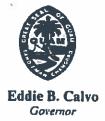
DPW recommends approval, subject to the comments reviewed by the Application Review Committee (ARC) with conditions that all the necessary documentations must be submitted.

If you have any questions, please call Mr. John F. Calanayan, Acting Engineer in Charge or Maryrose M. Wilson, Engineer III in the Division of Capital Improvement Projects (CIP) at 646-3189/3224.

Dangkulu na Si Yu'os Ma'ase!

GLENN LEON GUERRERO

S- Programa Shirt Day



Department of Parks and Recreation Government of Guam

490 Chalan Palasyo, Agana Heights, Guam 96910 Director's Office: (671) 475-6296/7; Fax (671) 477-0997 Parks Division: (671) 475-6288/9 Guam Historic Resources Division: (671) 475-6294/5

Facsimile: (671) 477-2822



Robert S. Lizama

William N. Reyes
Deputy Director

Ray Tenorio
Lt. Governor

In reply refer to: RC2016-0998

November 25, 2016

To:

Executive Secretary, Guam Land Use Commission

From:

Director, Department of Parks and Recreation

Subject:

DPR Position Statement on DLM Application No. 2016-44: Zone Change from "R-1" to "M-

1" for Lot 5328-REM, Pagat, Mangilao, for the Estate of Vicente Palomo Castro & Joseph M.

Palomo (Administrator)

We reviewed the subject application submitted by Harry D. Gutierrez, Consultant, on behalf of Joseph M. Palomo, Administrator of subject estate. Subject Lot 5328-REM is part of what was formerly a 314-acre Guam Community College New Campus Site project area in 1992. An Archaeological Phase II Survey was conducted in 1992 on behalf of the Guam Community College (GCC), which resulted in the identification of sites at various locations within the property. However, the former GCC property was part of the Federal Return Excess Lands that has since been re-acquired by private landowners resulting in Lot 5328-REM being returned to the Estate of Vicente Palomo Castro. The Lot is now subject to various kinds of proposed development which requires the applicant to request for rezoning from R-1 to M-1, in order to conform to compatible M1 use of the surrounding areas.

We have no objection to the approval of the Application, <u>however</u>, the Applicant is required to comply with the following:

- An Archaeological Monitoring and Discovery Plan (AMDP) must be prepared by a qualified archaeologist in consultation with our office, and submitted for review and approval.
- The Applicant will be issued Certificate of Approval (COA) approving the development subsequent to the Applicant's compliance to above requirements.
- All developments on the property must go through the DPW permitting process for proper reviews by the different agencies, including the Department of Parks and Recreation, and may be subject to inspection by our office, before and during construction activities.

If you have any questions with regards to our position, please contact our office.

Robert S. Lizama

Cc: Harry D. Gutierrez, Consultant for Joseph M. Palomo



GUAM WATERWORKS AUTHORITY

Gloria B. Nelson Public Service Building 688 Route 15, Mangilao, Guam 96913

KECEIVED

FEB 1 3 2017

Department of Land Management Time 1030 Int

MEMORANDUM

February 8, 2017

TO:

Michael Borja Director, Department of Land Managernent of

FROM:

Miguel C. Bordallo, P.E., General Manager

219/17

SUBJECT:

Position Statement on Zone Change Application No. 2016-

44 for Lot 5328-REM, in the Municipality of Mangilao.

APPLICANT(S):

Joseph M. Palomo, Administrator of Estate of Vicente

Palomo Castro, C/O Harry D. Gutierrez, Consultant

The Guam Waterworks Authority (GWA) has reviewed the applicant's request for a zone change from "A" (Agricultural) to "M-1" (Light Industrial) zone for the proposed construction of a commercial building with warehouse, office, Veterinary clinic, and boarding facility.

This memorandum shall serve as GWA's position statement to the above zone change request related to availability of water and sewer infrastructures to serve the above subject lot. This position statement shall not be construed as notice that water and sewer systems have the capabilities to accommodate the proposed development including fire flow without on-site or off-site improvements. Any extension of the water and sewer systems and/or capacity upgrades required to serve property shall be subject to the rules and regulations of GWA. Any required extension to the existing facilities to serve the subject properties shall be at expense of the applicant.

Given the information provided in the application and field observations, the following comments explain GWA's position to support approval of this zone change application:

1. Future development must be covered under a Department of Public Works (DPW) construction permit. Plans and specifications must be submitted for GWA review and approval prior to construction. Submittals shall include water and sewer design calculations and complete drawings and specifications. Design calculations shall include water demand calculations and wastewater production calculations for the proposed development. Drawings shall delineate the water and wastewater service Applicant(s): Joseph M. Palomo, Administrator of Estate of Vicente Palomo Castro, C/O Harry D. Gutierrez, Consultant

point of connection and provide specific connection details. If sewage disposal is to be accomplished by an Individual Sewage Disposal System, the plan must be in compliance with Guam Environmental Protection Agency (GEPA) and GWA requirements.

- 2. GWA requires coordination with the GWA Engineering Department in advance of the permitting process to determine if available water and sewer system capacity can accommodate future development. Any offsite utility improvements necessary to support the proposed development shall be at the expense of the applicant. GWA's approval of the construction permit application will be contingent upon the applicant's agreement to construct the necessary offsite utility improvements. GWA's approval of the occupancy permit application will be contingent upon the completion of the offsite improvements.
- Public water and sewer infrastructure facilities installed by the developer must meet GWA standards including construction on public rights of way or easements and inspection by GWA. Finalized property maps identifying public rights of way or easements must be submitted to GWA.
- 4. The nearest public sewer connection is located on Route 15 approximately 3,600 feet West of the subject lot. There is a 12-inch diameter water main and a 20-inch diameter water main fronting the subject lot along Route 15. No connection shall be made to the 20-inch diameter main.
- 5. The applicant's construction plans shall include the proposed meter size(s) and identify water meters in the public right of way or easement.
- 6. New development is subject to water and/or sewer system development charges (SDC).
- 7. Backflow prevention devices are required for non-residential activities.
- 8. Grease traps or interceptors are required for food service establishments.
- Stormwater drains shall not be connected to the public sanitary sewer system.

This GWA Position Statement shall remain valid for 365 calendar days from the date of this response. Please contact GWA Engineering Division regarding water and sewer system improvement design and construction standards and

Page 2
GWA Position Statement
ARC Application No. 2016-44
Applicant(s): Joseph M. Palomo, Administrator of Estate of Vicente Palomo
Castro, C/O Harry D. Gutierrez, Consultant

procedures. For additional information please contact Mauryn McDonald, P.E., Permits and New Area Development Supervisor, at 300-6054.



Eddie Baza Calvo Governor

Ray Tenorio Lt. Governor

Department of Agriculture Dipåttamenton Agrikottura

Director's Office Agricultural Development Services Plant Nursery . Aquatic & Wildlife Resources Forestry & Soil Resources Plant Inspection Station Animal Health 300-7970 / 7969 / 7966 300-7973 / 7972 / 7967 300-7974 735-3955/56; Fax 734-6570 300-7975/6 475-1426/27; Fax 477-9487 300-7965 Fax 734-6569



Matthew L.G. Sablan Director

> Jessie B. Palican Deputy Director

October 25, 2016 Memorandum

To:

Director, Department of Land Management

Attn:

Executive Secretary, Guam Land Use Commission and Guam Seashore Protection

Commission

From:

Director of Agriculture

Subject:

"Agricultural & Environmental Impact Statement" for a "Zone Change request on Lot 5328-REM encompassing 17.11 acres located in Pagat Mangilao from an "Agricultural to an M1" (Light Industrial Zone. (Joseph M. Palomo Administrator

of the Estate of Vicente P. Castro c/o Harry D. Gutierrez Consultant)

Agriculture has reviewed the subject lot for a"Zone Change" from "Agricultural to an M1" zone and does not oppose the change provided the conditions of approval listed below have been met prior to any clearing and grading of the site. Based on our agency review of the site there is some minor agricultural activity that is occurring on adjacent lots with evidence of previous activity on this lot but development of this site will have limited impacts to existing production as there are no major island producers currently using this area for crop production.

However, the Department of Agriculture must require that due the size of the proposed project scope and amount of land that could be eventually cleared for development, the owners or developers of the site must take the proper steps to ensure that <u>Guam's Northern Aquifer</u> is protected and maintained for the benefit of the entire island as it serves as the key source for drinking water. The incorporation of Best Management Practices that includes a certain percentage and portion of the lot to be reserved to implement the planting of indigenous tree or fruit species common to this area and northern Guam. Developing and incorporating a <u>landscaping plan</u> that uses these species will help re-introduce a vast root system that provides filtration of runoff sediment and contaminants that will damage our aquifer. The benefits of using indigenous trees and other varieties will also provide buffeting from strong winds and erosion control on elevated portions of the lot as well as shading and general improvement to the aesthetics of the site these trees provide.

Please be aware that should the owner and developer of the property decide to proceed with any clearing and grading of the site the **Department of Agriculture** will require the proper "Clearing and Grading Permits" recorded by the Department of Public Works.

Cogni

In addition our agency will require a certified <u>Biological Survey Report</u> from a licensed environmental contractor versed in local flora and fauna that has surveyed the lot for any endangered species that is protected federally and locally by the <u>Department of U.S Fish and Wildlife and the Guam Department of Agriculture's Aquatic and Wildlife Division.</u> No clearing activity can occur without these proper clearances in place as destruction of any endangered species is subject under penalty of law and carries fines of \$25,000 per individual destroyed and disturbed. For information and inquiries regarding these species contact Tino Aguon, Jay Gutierrez or Jeffrey Quitugua of the Aquatic and Wildlife division at 735-0294.

To include a comprehensive landscaping plan please contact our Agricultural Development Services & Forestry divisions here at the agency for further assistance and guidance at 300-7972 & 7976 respectively. Our Forestry division grows and maintains these native tree species should you choose to incorporate them into the project. Contact their office for assistance and consultation at 300-7976. To use fruit tree and other varieties incorporated onto the site the Agricultural Development Services maintains and showcases an "Organic and Environmental Demonstration Farm that demonstrates these eco-friendly practices in use. To benefit from this program contact our office at 300-7973/2 and request for John Borja, Rick Lizama and Pete Terlaje to schedule a tour and consultation of the available benefits.

Please be aware that the increased loss of Guam's native habitat contributes to a diminished capacity to sustain and support a healthy island community. It is vital that all land developers take a proactive step in preventing and causing this loss by incorporating these Best management practices.

For questions or concerns regarding Agriculture's position please contact our office at 300-7973. Thank you in this regard.

MATTHEW L.G. SABLAN

Director



Eddie Baza Calvo Governor

> Ray Tenorio Lt. Governor

Department of Agriculture Dipåttamenton Agrikottura

163 Dairy Road, Mangilao, Guam 96913



300-7966 Fax 734-6569 300-7973 300-7964 735-3955 Fax 734-6570 735-3949/51 Fax 734-0111 300-7974 475-1426/1427

Fax 477-9487

Matthew L.G. Sablan Director

> Jessie B. Palican Deputy Director

www.guamagriculture.org

February 1, 2017

MEMORANDUM

TO:

Department of Land Management Attn: Executive Secretary, Guam Land

Use Commission

FROM:

Director, Department of Agriculture

SUBJECT:

ZONE CHANGE APPLICATION FOR LOT 5328-REM

PAGAT MANGILAO FOR THE ESTATE OF

VICENTE PALOMO CASTRO & JOSEPH M. PALOMO (ADMINISTRATOR) FROM "A" (AGRICULTURAL) to

"M-1" (LIGHT INDUSTRIAL ZONE)

Buenas yan Hafa Adai,

In reference to the above captioned subject matter, the property location is ideal for future agricultural development towards food security and sustainability as it was previously used for livestock and crop production, however, in light of the property owner's interest in rezoning for light industries and to further accommodate for the demand in a growing urban population, business and military growth on island, it will be prudent to provide to the demands of the community in this regard.

Therefore, the Department of Agriculture has no objections in the rezoning of the said property from "A" to "M1" but would like to be an advocate in the planting of trees, and other greenery as part of the aesthetics especially trees that are indigenous to Guam and plant species that are non-invasive. As part of the Department of Agriculture's regulatory role, acquiring proper clearing permits and assessment of property through a biological survey report may be required as the development may impact endangered species and or habitats of migrating birds or biological organisms that may have resided over the past years undisturbed.

Should there be any questions in reference to this memorandum, please do not hesitate to contact the department of agriculture at 300-7965/7973. The Forestry and Agricultural Development Services Division can provide assistance recommending the best types of trees and plants to be incorporated into the landscape.

MATTHEW L.G. SABLAN

cc: USFWS

Eddie Baza Calvo Governor of Guam

Lieutenant Governor

Ray Tenorio



GAN PLANU SIHA YAN EMFOTMAS
Government of Guam
P.O. Box 2950 Hagåtña, Guam 96932

Tel: (671) 472-4201/3 Fax: (671) 477-1812



William M. Castro
Director

Manuel Q. Cruz
Deputy Director

NOV 1 0 2016

MEMORANDUM

To:

Chairman, Guam Land Use Planning

Via:

Executive Secretary, Department of Land Management

From:

Director, Bureau of Statistics and Plans

Subject:

APPLICATION NO. 2016-44; **LOCATION:** Lot 5328-REM, Mangilao **APPLICANT:** Joseph M. Palomo, Administrator of Estate of Vicente Palomo Castro; **PROPOSED USE:** Zone Change "A" Rural to "M-1" Light

Industrial

Håfa Adai! The applicant, Joseph M. Palomo, Administrator for the estate of Vicente Palomo Castro represented by Harry D. Gutierrez request a zone change from "A" rural to "M-1" light industrial for the proposed development of warehouses, office space, veterinary clinic, boarding facility, adequate parking and other permitted uses on Lot 5328-REM in the municipality of Mangilao. Located directly across the Gloria B. Nelson Public Utilities Complex, the subject lot can be accessed just off of Route 15, which runs directly across the property creating a northern and southern portion. Lot 5328-REM is vacant and comprised of 17.11 acres of limestone forest. Surrounding land uses are a mix of residential, commercial, industrial and government operations.

The Bureau has completed its review of the subject application and provides the following comments and recommendations:

Land Use. The Bureau finds that the proposed project is not consistent with the North and Central Guam Land Use Plan's future land use map designations. The NCGLUP is approved as an element of the Guam Comprehensive Development Plan (GCDP). The subject property is identified "Residential Zone" designation in the Future Land Use Map of the NCGLUP, as stated in Policy LU-1 (b) General Residential:

"The Residential category provides for a range of residential densities, ranging from low density single family residences to multiple family structures. Nonresidential uses are generally discouraged except for public facilities, schools, and institutions, provided their nature and location are not



detrimental to the residential environment. Where neighborhood-scaled commercial and retail is desired in a residential zone, a special design review process should be established to ensure compatibility with surrounding residential neighborhoods."

Agricultural District. The Bureau recommends the applicant to submit an agricultural impact statement addressed to the Director of the Department of Agriculture as required by Guam's zoning law. Lot 5328-REM is located in an "A" Rural zone in the municipality of Mangilao. Guam Code Annotated Real Property Chapter 16, §61637, states:

"No additional land may be established as a rural zone and no land presently zoned "A" may be rezoned without the Commission first having considered an agricultural impact statement which shall be submitted by the Director of the Department of Agriculture. This statement shall provide a detailed statement of:

- (a) The agricultural impact of the proposed rezoning upon the agricultural components of the Guam Master Plan.
- (b) Any adverse conservation or agricultural effects which cannot be avoided should the rezoning be approved.
- (c) The Director's opinion whether said rezoning should be approved and reasons therefore."

Aquifer Protection from Industrial Waste. The applicant's Mangilao property is located above the Northern Guam Lens Aquifer (NGLA). The NGLA is an essential resource for Guam and is the primary source of drinking water for eighty percent of the island population. Moreover, the U.S. Environmental Protection Agency has designated the NGLA as Guam's sole source aquifer. Therefore, it is of paramount importance to prevent sources of contamination from entering Guam's water supply. The primary goal for protecting the aquifer is to safeguard human health and the environment by maintaining water quality for continued use.

The Bureau is concerned that industrial activities will have adverse effects to Guam's sole source aquifer. The applicant is advised to consult with the Guam Environmental Protection Agency (EPA) to:

- 1. Implement practices for managing industrial waste to avoid potential contamination and ensure long term protection of the aquifer pursuant to the "Resource Conservation and Recovery Act of 1976". Practices may include the following, but are not limited to:
 - a. Keeping a spill kit close to where spills are likely and ensure all staff know how to use it;
 - b. Mopping the workshop floor rather than hosing;

- c. Surrounding storage areas with containment berms to control leaks or spills and;
- d. Employee training to manage waste and materials properly.
- 2. Comply with an Aquifer Protection Review pursuant to the "Federal Safe Drinking Water Act," § 1424 and "Guam Safe Drinking Water Act," 10 GCA Chapter 53.
- 3. Coordinate with Guam EPA for water resource conservation and ensure the NGLA is protected through compliance with the "Water Pollution Control Act," 10 GCA Chapter 47; "Water Resources Conservation Act," 22 GCA Chapter 5; 10 GCA Chapter 46, as amended by P.L. 17-97, and the Guam Water Resource Development & Operating Regulations.

Stormwater Management. Managing stormwater is a key element in the protection of Guam's vital water resource. Surface runoff carries pollutants into Guam waters causing siltation and increasing sediment loads, which impairs receiving waters. The alteration of vegetated areas into buildings, driveways, parking lots, roads and other surfaces prevent water from filtering into the ground and greatly increases the runoff volume created during storms. Studies show that impervious surfaces directly correlate to increased runoff volumes as well as waterway velocities, erosion, and flooding.

Industrial sites are classified as stormwater hotspots which is defined in the CNMI Guam Stormwater Management Manual as "a land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxins than are found in typical stormwater runoff, based on monitoring studies." As industrial activities produce high concentrations of pollutants, the Bureau is concerned that industrial activities generated on the property may severely impair water quality of Guam's sole source aquifer. If best management practices are not in place before, during, and after construction to control runoff from the site, this activity can adversely affect Guam's drinking water source and surrounding neighbors. The stormwater manual further states that:

- "...stormwater runoff from hotspots cannot be allowed to infiltrate into groundwater without prior water quality treatment."
- "...a greater level of stormwater treatment is needed at hotspot sites to
 prevent pollutant wash off after construction. This will involve preparing
 and implementing a stormwater pollution prevention plan (SWPPP) that
 involves a series of operational practices at the site that reduce the
 generation of pollutants from a site or prevent contact of rainfall with the
 pollutants."

BSP Position Statement ARC 2016-44 Page 4 of 5

The Bureau recommends the applicant to consult with Guam EPA in preparing and submitting a SWPPP and employing best management practices to control runoff and hazardous waste.

Erosion Control. Controlling erosion and sediment flow from construction sites are a priority with regard to stormwater impacts to receiving water bodies within the project site, which includes the NGLA. Therefore, before any clearing and grading of the property's 17.11 acres, the applicant is required to:

1. Submit an Environmental Impact Assessment (EIA) to Guam EPA.

The Bureau further recommends that the applicant prevent adverse impacts from construction site runoff by employing best management practices. These practices include the following, but are not limited to:

- Installing perimeter sediment controls to retain or filter concentrated runoff from disturbed areas to trap or retain sediment before it leaves the construction site.
- 2. Where feasible, schedule construction during dry season.
- Stabilize construction entrances to reduce the tracking of sediment/mud from the construction site onto paved roads and parking lots.

Additional methods are listed in the CNMI Guam Stormwater Management Manual and the Guam Erosion and Sediment Control Field Guide; and can be obtained from the Bureau's website www.bsp3.guam.gov under Gua m Coastal Management Program.

Low Impact Development (LID) Practices. The project site also lies within the Mataguac Spring-Frontal Pacific Ocean Watershed. This area has seen an increase in impervious surfaces throughout the years. In between the years 2005 and 2011, the impervious surface area increased by more than five percent according to National Oceanic Atmospheric Administration's (NOAA) Coastal Change Analysis Program (C-CAP). As surface area increases so does the risk of flooding and degradation of water quality. The Bureau is concerned that additional impervious surfaces may exacerbate flooding in the area and surrounding neighbors if practices are not in place to manage runoff on the property.

The LID approach works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features while minimizing the use of impervious surfaces to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

BSP Position Statement ARC 2016-44 Page 5 of 5

Considering the growing concerns of flooding due to increased impervious surface, the applicant should be required to implement LID practices such as permeable parking and walkways, grassed swales, island bio-retentions, green roofs, and/or rain gardens into the landscape as a means to reduce runoff and control erosion from their property. An electronic file of the Island Stormwater Practice Design Specifications is available on the Bureau's website at www.bsp3.guam.gov under the Guam Coastal Management Program.

Historical and Archaeological Resources. The Bureau recommends coordination with Department of Parks and Recreation, State Historic Preservation Office to ensure the preservation, protection, excavation, and evaluation of specimens and sites pursuant to "Historical Objects and Sites", 21 GCA, Chapter 76.

In light of the points presented above, the Bureau finds that the zone change from rural to light industrial zone is not consistent with the North and Central Guam Land Use Plan's residential designation. We further find that industrial activities can detrimentally affect Guam's sole source aquifer and surrounding neighbors if best management measures are not in place to control stormwater runoff and prevent contaminants from entering the aquifer. Therefore, the Bureau recommends objection of the proposed request to rezone Lot 5328-REM in the municipality of Mangilao. Subsequently, if this application is approved, the property owner must be required to comply with established laws and the recommendations stipulated above.

As government officials, it is our primary responsibility to ensure that the construction and operations of this proposed endeavor are in a manner designed to protect public health, safety, and to promote the public welfare and convenience. We also encourage the applicant to protect Guam's natural resources and to ensure they are used in a sustainable manner. Si Yu'os Ma'ase'.

WHEIAM M. CASTRO

cc: GEPA DPR DOAG DPW GWA GPA